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The Outlook

NOVEMBER 20, 1909

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LAWRENCE F. ABBOTT, PRESIDENT. WILLIAM B. HOWLAND, TREASURER. KARL V. S. HOWLAND, SECRETARY
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A REVOLUTIONARY BUDGET

Will the House of Lords fight or surrender? That is the one question which is stirring England to-day. The Budget which has kept Parliament at a white heat for six months, without a thought of the usual midsummer holidays, has passed the House of Commons by an unexpected majority—379 to 149. Debate on it will begin in the House of Lords on November 22. Will the Lords defy the force of tradition and custom by amending it or rejecting it altogether, or will they make a wry face and adopt it? The British Budget is the measure in which Parliament, under the leadership of the Cabinet, determines what money the country shall spend during the coming year, and how it shall be raised. In April last the Chancellor of the Exchequer, the Right Hon. David Lloyd-George, found himself confronted with a deficit for the coming year of $75,000,000. His Budget, which was presented in a speech four hours long, sought to provide for this deficit by increases in existing taxes and new methods of taxation which have been hailed by the Conservatives, and especially by the large property-owners, as "revolutionary." Mr. Lloyd-George's chief proposals are briefly these: 1. An increase of 1 per cent in the income tax on all unearned incomes and on earned incomes over $15,000, with a super-tax of 2½ per cent on all incomes exceeding $25,000. 2. An increase in the death duties or inheritance taxes on estates of over $25,000, so that the maximum rate of 15 per cent will be reached at $5,000,000 instead of at $15,000,000. 3. A tax on motor cars, ranging from $10 for the smallest cars to $300 on a car of over sixty horse-power. 4. A tax of six cents a gallon on gasoline. The receipts from these last two taxes are to be spent in improving and extending the good roads of the country. 5. An added tax of ninety-four cents per gallon on spirits, and one of sixteen cents per pound on tobacco. 6. An increase in the stamp tax from $2.50 to $5. 7. An increase in the duties on liquor licenses. 8. A tax of 20 per cent on the unearned increment in land values—that is, that part of the increase in the value of a piece of land which is due not to the labor or improvements put upon the land by its owner, but to agencies outside his control, such as the improvement of neighboring land, the growth of population, and so forth. This tax is to be reckoned from a valuation of the lands in Great Britain to be made at once. 9. A tax of two-tenths of one per cent on mining royalties, and on the value of undeveloped land. 10. A duty of 10 per cent on the benefit accruing to the owner of leased land at the termination of a lease. The taxes under the last three heads carry out the principle of the Single Tax, and it is these proposals, together with the increased income and inheritance taxes, which have especially roused the ire of the Conservatives and the landowners.

NOT ONLY A BUDGET BUT SOCIAL REFORM

Lord Rosebery, once Liberal Prime Minister, but in recent years a free lance rather out of sympathy with the Liberal party, said of Mr. Lloyd-George's proposals, "This is not a budget; it is a revolution." The Chancellor himself, in his Budget speech, said: "This is a war budget! It is a budget for waging implacable warfare against poverty, and I cannot help hoping and believing that before this generation has passed away we shall have made a great advance toward the good time when poverty, with the wretchedness and squalor and human degradation which always follow in its

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camp, will be as remote from the people of this country as the wolves which once infested its forests." This Budget, then, is much more than a measure for raising the money to pay the Government's expenses for the coming year. It is a move in the Liberal campaign for the relief of social conditions. It aims to transfer the burden of taxation from those least able to those best able to bear it. It proposes to make property bear more fully than in the past its proper share of the expense of government, and this especially because property is continually asking for more and more protection from the Government. The Liberal leaders were compelled to provide this year for the building of eight instead of four super-Dreadnoughts. So they have said to the property-owners: "Very well. You shall have your Dreadnoughts to defend your property. But you must pay for them." And, in addition, they have said to the country, in the words of Mr. Lloyd-George: "Can the whole subject of further social reform be postponed until the increasing demands made upon the national exchequer by the growth of armaments have ceased? . . . Is it fair, is it just, is it humane, is it honorable, is it safe, to subject such a multitude of our poor fellow-countrymen and countrywomen to continued endurance of these miseries until the nations have learned enough wisdom not to squander their resources on huge machines for the destruction of human life?" The Liberal party has already established a system of old age pensions in England. Mr. Lloyd-George announced that it contemplated dealing with the questions of unemployment; of the common accidents of life which affect workingmen, such as breakdown in health and loss of employment due to industrial depression; and of the support of those aged paupers who are ineligible for old age pensions. His opponents denounce his programme as Socialistic. He pronounces it democratic and humanitarian.

WHAT WILL THE HOUSE OF LORDS DO?

The contest over the Lloyd-George Budget has developed into a question of much deeper import than merely that of raising revenue for the coming year, and one in its way as interesting as that of entering upon a new system of taxation and a new programme of social reform. A constitutional question has arisen, which may be fraught with serious and far-reaching consequence to the position of the House of Lords in the British scheme of government. The Budget is a Liberal Budget. As such it is opposed by the Conservative party, which is, in much greater measure than the Liberal party, the party of the property-owners. The House of Lords is overwhelmingly Conservative, and if it had its way would inevitably negative the new taxes. But what power under the "conventions" of the British constitution —those customary rules which, having no legal validity, are yet universally accepted and followed with scrupulous care—has the House of Lords to deal with measures of taxation? What share has it in "the right of granting aids and supplies to the Crown"? On this question the country divides. The majority in the Commons, on the one hand, maintain the position which the Commons enunciated as far back as 1671, that "in all aids given to the King, by the Commons, the Rate or Tax ought not to be altered by the Lords." As President Lowell says in his work on "The Government of England," "although the Lords have never expressly admitted the claim, they have in fact submitted to it." The Commons has always in theory admitted that the Lords may reject a money bill as a whole. But when, in 1860, the upper house did reject the measure repealing the duties on paper, the Commons the next year nullified their action by including the repeal in the main Budget bill. The House of Lords has never rejected a Budget as a whole, and the results of such an action would be so far-reaching that the Lords would hardly venture upon it except as the most final of resorts in the most serious of crises. On the side of the Lords it is contended that the right to amend a money bill has never been given up by the upper house; and the opinion of the great Liberal statesman, William E. Gladstone, is quoted in support of that contention. It is also maintained that the Liberal Government has in the present Budget itself violated a constitutional convention which in effect forbids the Gov-

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ernment from entering upon a new and radical scheme of legislation without a mandate from the people at a general election. This Budget, say the supporters of this view, is of such a character as to constitute new and radical legislation. Therefore the Liberal party should go before the people and receive a mandate before proceeding with it. The House of Lords may do one of several things. It may surrender its position and adopt the Budget as a whole. This would mean a great victory not only for the Liberal party, but for all those who believe that the authority and power of the House of Lords should be more and more curtailed. It may accept the Budget with a provision that it should be referred to the people by a referendum. This action is unprecedented, and it seems unlikely that it will be taken. It may amend the Budget by altering and eliminating the taxes which it does not approve, or it may reject it altogether. Either of these last two alternatives would almost unquestionably lead to a dissolution of Parliament and a general election. And even those who may believe in the new taxes, and may sympathize with the House of Commons in its rivalry with the hereditary Chamber, might consistently hope that this result will be brought about, on the democratic principle that so radical legislation should first receive the sanction of the people.

COUNT VON BERNSTORFF THE KAISER'S SPOKESMAN

Addresses made to the American Academy of Political and Social Science are generally worth hearing and reading, and that of the German Ambassador at last week's Philadelphia meeting is of peculiar importance. In these times of surface talk and snap judgments respecting the supposedly conflicting English and German Governments, three statements have been unceasingly reiterated by the critics of the latter: First, Germany means Pan-Germany, and hence the absorption of the Germans in Austria and even of the Dutch with their envied ports in Holland and their still more envied colonies abroad. Second, the Germans' desire for colonial expansion includes South America, and hence conflict with the British and American interests there. Third, British trade must be annihilated everywhere by German industrial competition backed by German naval power. To these three statements Count von Bernstorff, the German Ambassador at Washington, replies. Concerning the first, he described the Pan-Germanists as having "no importance at all," being without "the slightest influence upon the Government," and by it regarded as "a very undesirable element of German journalism because they stir up ill feeling against Germany by putting forth questions and aims that are quite beyond the scope of practical politics." Concerning the second, the Ambassador said: "The Germans have resigned themselves to the fact that there is no more possibility of acquiring colonies suitable for emigration, and especially that there is not the slightest intention on our part to get a territorial foothold in the Western Hemisphere." Concerning the third, he explained that "foreign trade was a pressing need of Germany, since she had to buy much of her food and must pay for it in the products of her industries. But she had no wish to impoverish other nations. On the contrary, the richer they were the better customers they made. . . . As foreign trade grew, a navy was needed to protect it. This and this alone was the purpose and motive of the energetic increase of German naval force." These statements constitute a clearer and more positive expression of the German Imperial policy than has yet been made public.

THE BOYCOTT AND FREE SPEECH

The American Federation of Labor at Toronto last week adopted a report submitted to it by its executive council, recommending that an appeal be taken to the United States Supreme Court both in the injunction and in the contempt proceedings involved in the Bucks Stove and Range Company's cases. We have already recorded the fact that the jail sentence pronounced on Mr. Gompers, Mr. Mitchell, and Mr. Morrison by Justice Wright, of the District of Columbia Supreme Court, has been approved by the Court of Appeals for the District. In recommending that the matter be carried to the United States Supreme Court the American Federation is within the law and

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the privileges of American citizenship. The report truly states that the decisions affect fundamental rights, and these questions of right should certainly be passed upon by the Supreme Court if there is a legal way to bring the points before that Court. It is a very different thing, however, to agree without reservation in Mr. Gompers's fiery assertion: "I repeat and emphasize this fact, that the doctrine that the citizen must yield obedience to every order of the court, notwithstanding that order transcends inherent, natural, human rights guaranteed by the Constitution of our country, is vicious and repugnant to liberty and human freedom, and that it is the duty, the imperative duty, to protest." There is a sense in which this is true, but the "higher law," which may be appealed to when a citizen violates a statute or the common law, is no defense if it turns out that the citizen is not justified in his contention that the moral obligation upon him is stronger than the legal obligation. As we have said before, "He who violates a law for the purpose of making the country see the injustice of that law by reason of his martyrdom, cannot complain if he is made a martyr." In other words, *some one* must determine whether the decision of a court does or does not in fact violate personal rights under the Constitution; if a single citizen assumes to do this, he does so at his own risk, and in the end the courts must decide whether the citizen is a mere lawbreaker or a defender of the Constitution. In the present case the public will necessarily accept the finding of the courts as to facts, and will have faith that if a Constitutional right is involved, that right can be and will be maintained by the supreme judicial authority of the land. Furthermore, it must always be remembered that the right of free speech is not unlimited; it does not allow, for instance, one man to urge others to join in a conspiracy against an innocent person; if he does so urge others and a crime is committed, he becomes himself a partner in the crime. Still another question underlies these important cases—a question which was properly raised in the last Presidential campaign—namely, whether the use of the injunction by the courts should not be limited. The American Federation of Labor points out that Mr. Gompers and his associates did not enjoy what they claim to be the Constitutional right of trial by jury, and that the case was of the precise kind which should have been submitted to a jury of the accused's peers. It urges with a good deal of force that "except where contempt is in the presence of the court, the liberty of no citizen should be committed to the keeping of any one man." It is for Congress and the State Legislatures to make laws limiting the use of injunction, and they may very well ask whether in the long run the ends of justice would not best be served if a jury trial should be allowed wherever the injunction is sought for to prevent the continuance of acts alleged to be criminal—that is, whether the very question as to criminality ought not, in harmony with our general criminal procedure, to go before a jury. Another recommendation of the executive council adopted by the Federation was for an "Old Age Home Guard," which should be composed of persons over sixty-five years who do not own property worth more than $1,500, or whose income does not exceed $240 a year; it is proposed that these persons shall receive a Governmental pension of $120 a year. This proposal the Federation can hardly expect to be taken seriously; if we are to have an old age pension, it must, like that in Germany, be so framed as to include co-operation by the workers when they are earning wages. Other recommendations urge further restriction of immigration, approve the work of conservation of natural resources, indorse industrial education, and suggest co-operation between the labor unions and the farmers' organizations.

BOSTON ADOPTS THE SHORT BALLOT

At the regular annual election on November 2, Boston adopted what is known as Plan No. 2 for a reformed city government. The reform is so radical that the Boston Transcript calls it almost revolutionary. The plan has been under public discussion for many months, and the citizens of Boston have had ample opportunity for familiarizing themselves with the changes in the form of municipal government which they have now made. The new city govern-

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ment will consist of a Mayor and a City Council of nine members elected at large for terms of three years each, three members retiring each year. After the first election of Mayor and Councilmen, to be held on January 11 next, only three Councilmen are chosen each year. The Mayor serves for a term of four years, but may be recalled from his office at the end of two years if a majority of all the voters in the city so decide. No change is made in the form of the School Board, satisfactorily reformed a few years ago as a body of five members elected in rotation for three-year terms. Thus, after the first election next January, the city of Boston will center its attention each year upon the choice of not more than five officials. Under the old organization the total number of officials elected in the city was ninety. To nominate ninety candidates simultaneously obviously demanded trained political organizations capable of all the abuses which are characteristic of Tammany in the city of New York. Under the new charter no candidate for office can have his name placed upon the ballot except by direct nomination, and the signatures of five thousand voters are necessary to that end. This eliminates party lines, although there is no reason why party interests, if party managers so choose, may not be exerted in favor of this or that candidate. The whole tendency of the revised charter, however, is against the chief evil of American municipal politics—the abuse of the city government for the corrupt support of partisan organizations and the pecuniary benefit of the leaders or bosses.

THE CHARTER'S PROVISIONS

Great executive power is centered in the Mayor; his recommendations or approval are necessary in the creation of all ordinances and in the administration of the finances of the city, excepting school affairs, which are solely in control of the School Board. The Mayor submits the annual and supplementary budgets, and while the Council may reduce or reject items, it may not originate a budget or increase its items or its sum total. With certain specified exceptions, the Mayor and City Council may by ordinance at any time reorganize, consolidate, or abolish departments in whole or in part, establish new departments, and act upon salaries of heads of departments and members of boards. The Mayor must, when requested, be present in person, or by his proper deputy, with the City Council to answer written questions, and he may attend and address the Council either in person or by deputy at any time he desires. The Mayor, the members of the Council, and all other city officials and employees are forbidden to be interested, directly or indirectly, in public contracts, purchases, or the employment of labor. Except in the personal staff of the Mayor's office, civil service rules apply. All heads of departments and members of boards must be recognized experts in their work, or persons specially fitted by training, education, or experience for the positions for which they are selected, and they must be appointed without regard to party affiliation or residence. All appointees of the Mayor must be scrutinized by the Civil Service Commission, and they cannot serve unless certified to by that Commission. This is a radical blow at the spoils system and the power of the political boss. The Mayor has the absolute power of removal, but must file a written statement setting forth his reasons for the removal, and the removed official may make and file a written reply. It will be thus seen that the powers of the Mayor are unusually great. To act as a check upon these powers, a permanent board called the Finance Commission has been created. Its members are appointed by the Governor, and its chairman alone is a salaried officer. This board keeps watch upon the conduct of public business, and sheds the light of publicity upon it. It is believed that by means of this board, and by the work of the individual Councilmen, the voters may be so kept in touch with the administration of the Mayor that the power of recall exercised by the voters over the Mayor will serve as a sufficient incentive to have him conduct his office in accordance with the popular will. While the new Boston charter gives the Mayor powers greater than those possessed by any other Mayor of an American municipality, it is in accord with fundamental democracy, for the administration of the charter rests directly upon the will and consent of

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the people. The new administration of Boston will be watched with the greatest interest by those who, like The Outlook, believe that the application of the principle of the Short Ballot to municipal politics is the surest road to municipal reform.

THE ELECTION IN SAN FRANCISCO

One of the most noteworthy as well as one of the most deplorable results of the recent elections was, as briefly noted last week, the complete overthrow of the reformers and graft prosecutors in San Francisco, and the election of the labor union demagogue P. H. McCarthy as Mayor of that city. It might have been supposed that, after nearly six years of what the San Francisco Call described as "the worst government that any city ever survived," the people of San Francisco would have strained every nerve to prevent the coming into power of another labor union administration—and perhaps they did—but the "high up" bribers, the saloon-keepers, the gamblers, the business men who wanted a "wide open" town, and the labor union men who wanted to keep up wages made again a combination with which the better element of the population could not cope. The Labor Union party, alone and by itself, never could have elected its ticket. In 1905, when it triumphed for the last time prior to the graft prosecution, the San Francisco Chronicle estimated that it got nearly if not quite half its votes from corporations and their dependents, liquor dealers and their allies, small merchants, and the municipal departments. McCarthy probably had less support from the municipal departments than Schmitz had, but he must have had the votes of the whole disreputable class, as well as a large number from respectable merchants and employees of corporations who are not interested in further prosecution of the graft cases and who think that a "wide open" town is a good town for business. The attitude of a large body of voters toward the graft prosecution is shown by the fact that Mr. Heney, the Democratic candidate for District Attorney, ran considerably behind his own ticket. P. H. McCarthy, the newly elected Mayor, is the President of the powerful Building Trades Council of San Francisco, and has long been known as an able but unscrupulous politician and a selfish, domineering labor union leader. In 1907, when he ran for Mayor against Dr. Edward R.. Taylor, the Building Trades Good Government Club, which was composed wholly of workingmen, issued an address to labor union voters in which it gave its reasons for believing that his election would be a "calamity to unionism, as well as a danger to the community in general." Those reasons were, in part, as follows:

1. When earnest union voters, in 1901, thought it important, in protection of the local unions, to elect a labor union Mayor, P. H. McCarthy stood against them. He hoped, by doing this, to get to be a member of the Board of Public Works, should Tobin, the Democratic candidate for Mayor, win.

2. In 1903 McCarthy swung away from the Democratic party and stood for Crocker, the Republican candidate for Mayor. His reason for supporting Crocker and again differing from the great body of union voters was that he continued to hanker after a place on the Board of Works and could get it if Crocker were elected.

3. In 1905, when the vileness of Schmitz was much more generally known than during the campaigns in which McCarthy fought him, he did all he could to elect him and to continue the power of Ruef.

4. In 1907, when the last vestige of doubt about the character of Schmitz had been swept away and he had been sentenced to a term in San Quentin, the coalition between him and Schmitz continued, and he, Schmitz, and Tveitmoe held close and friendly consultation in the branch county jail.

5. McCarthy is a tyrant as head of the Building Trades Council, and God only knows what he would be if to his present power were added the authority and great patronage of the Mayor.

6. Two years ago the Labor Union party elected William H. Langdon District Attorney. He has been so faithful to his trust that he has won the admiration of good men all over the United States. Yet McCarthy insisted that this honest officer should be repudiated this year by that same party, and had his way. What McCarthy thus insisted on was also the will of Schmitz, Ruef, Patrick Calhoun, and all the other scoundrels Langdon has been driving toward the penitentiary for their crimes against the people.

7. Every citizen who does not favor making McCarthy Mayor and defeating Langdon, McCarthy vilely abuses as a member of the Citizens' Alliance. No service for unionism is proof against his evil tongue. His accusations are made against the very strongest trade unionists on the Pacific Coast, men whose entire life work has been

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in building up our labor unions. In short, we look upon P. H. McCarthy as a danger rather than a strength to the trade union movement, for he is selfish, arrogant, tyrannical, and of bad associations.

The man thus pictured by his own labor union associates is now Mayor of San Francisco, and has promised to make the city "the Paris of America." When the saloons, dives, gambling-houses, and municipal cribs are again flourishing as of old, the dealers in a certain kind of literature will perhaps get out a new edition of the illuminated postal card which was so widely sold in the Schmitz-Ruef era and which described the end of the pleasure-loving and hilarious San Franciscan as follows:

"When you finally cash in,
And you end this life of sin
Out in 'Frisco,
They will gently toll a bell,
Plant your carcass in a dell,
No need to go to hell—
You're in 'Frisco."

A LATTER-DAY SPOILSMAN

Ex-Governor Murphy, of New Jersey, has issued a statement of his political creed. First, he would repeal the Direct Primary Law. Under the old convention system, practically the only opportunity for successful revolt against corrupt leadership was to defeat the party at the polls. The primary secures an opportunity for such success without defeating the party. The working of the new law has been popular, and has doubtless alarmed politicians like Mr. Murphy. They may not be able to maintain themselves in power, as they now doubtless realize, if these primary election benefits are to continue. Secondly, Mr. Murphy stands for political assessment of office-holders, "including the judges of our highest court, governors, mayors, and the great number of salaried employees who owe their living to their party identification." The preposterousness of this return to former evils is evident, both as to the individual and as to the party. A good public servant, wishing to devote all his energies to his office, must have his attention turned therefrom and debased; a bad public servant is made just so much the worse by holding his office on a pecuniary instead of a public service basis. As to the party, it must thenceforth bear the obloquy of receiving into its treasury, for the use of a particular political organization, assessments levied on salaries paid from public funds because paid by the whole people, and hence without suspicion that a percentage was to be devoted to the use of a political party. Thirdly, Mr. Murphy expresses doubt as to the benefit of the merit system, "until it can be shown that a position made permanent by the law instead of by faithfulness . . . does not materially increase the cost and impair the efficiency of the public service." If Mr. Murphy thinks that present positions under the merit system are not made permanent by faithfulness, he has something to learn. If he thinks that the merit system increases the cost or impairs the efficiency of the service, his attention should be directed to the statement of the late Carroll D. Wright, Director of the United States Census, who reported that the labor of taking the Census of 1890 would have cost two million dollars less, and would have been done more promptly, if it could have been taken under the merit system. Finally, Mr. Murphy disapproves of the election of United States Senators by the people. We are not surprised. The foregoing confession of faith would indicate that he, as a receptive candidate for Senatorial honors, might well fear facing such an election.

A THINKER IN EDUCATION

Dr. William T. Harris, who died in Providence last week in his seventy-fifth year, was not only a veteran in the service of education in this country, but had long been a leader in that field, and had very widely and deeply influenced American education. He was born in Connecticut, spent two and half years in Yale, became a teacher in the public schools of St. Louis in 1858, and superintendent of the schools of that city in 1867. He was one of the founders of the Philosophical Society of St. Louis, and founder and editor of The Journal of Speculative Philosophy, the first magazine devoted to philosophy published in this country. St. Louis was at that time the seat of a very interesting philosophical movement, which received its impulse from Mr.

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Brockmeyer, a German of rare ability, and with which Miss Blow, who was one of Mr. Harris's pupils, Mr. Snyder, Mr. Davidson, and other well-known teachers and writers were associated. Such a movement in the Mississippi Valley at that early day was influential quite beyond its numerical strength, and a journal devoted to pure thought was in itself a sign of advancing civilization. Dr. Harris was a man of philosophic mind, a profound student, and a penetrating, disinterested thinker who had the misfortune to use the Hegelian terminology as a form of expression. He was one of the first men in the country to recognize the spiritual and educational value of the kindergarten, and to lend it powerful support. His view of education was essentially spiritual; and his service in interpreting education from a spiritual standpoint and his determination to rest it on a philosophical basis made him a leader in American education. Before nature studies were introduced into the curricula of American schools and colleges Dr. Harris pressed their claims in season and out of season, bringing to his task not only philosophical insight but ample scholarship. Latin and Greek were to him a recreation, while he studied deeply the Oriental languages and literature. His acquaintance with these and his mastery of Hegel's philosophy gave his view of life breadth and inspiration, and young men who went to talk with him rarely left his presence without gaining a glimpse of a larger world. He was also a student of biology and the related sciences, a mathematician and an astronomer, and an intelligent philosophical critic of the arts. He was for a time one of the most distinguished teachers in the Concord School of Philosophy, and his home in that old town was a place of illumination. In 1889 he was appointed Commissioner of Education of the United States, and the school reports at the Exposition in Paris in 1878 won for him the honorary title of "Officer of the Academy." He was prominent in the American Social Science Association, and a member of a number of learned societies. The Carnegie Foundation for the Advancement of Teaching awarded him an allowance of $3,000 per annum "as the first man to whom such recognition for meritorious service is given." He had just completed a new edition of Webster's International Dictionary, of which he was editor-in-chief; a list of his contributions to education and philosophy would fill a column of The Outlook. Men of the temper of Dr. Harris, his unworldliness, and his lifelong devotion to truth are not numerous in any country. In this country of busy practical workers he was pre-eminent as a master of the principles which underlie American activities in many fields.

A GREAT MEETING

Those people who declare that the interest in religion is fading out of the minds of men would have found it difficult to account for the size and the enthusiasm of the meeting of members of the Episcopal Church of the Diocese of New York in Carnegie Hall on Tuesday evening of last week, in answer to the invitation of Bishop Greer. More than six thousand men and women filled the great hall and overflowed into the Church of Zion and St. Timothy in the near neighborhood. A special train on the Hudson River Railroad brought to the city Churchmen from the northern part of the diocese. Bishop Greer in his opening remarks said that he hoped the meeting would accomplish two things: the bringing together of the people of the greatest diocese of the Episcopal Church in America, numbering more than 85,000 communicants; and the demonstration of the fact that the Church is moving along progressive lines, as suggested by the subject of the evening, "The Victory of the Christian Faith." A choir of more than five hundred surpliced singers filled the platform, while the organist of the Cathedral of St. John the Divine sat at the organ, and the great congregation joined in singing some spirited missionary hymns. Bishop Greer's address had a ring of conviction and hope in it which was inspiring when he declared that the faith for which Christ stands in the world is not receding but advancing, is not a losing but a coming faith; that the person of Christ is the most powerful single factor in the world to-day, and that it will become more powerful as the years pass. Bishop Hall, of Vermont, said that it is Christ and Christianity alone which make

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the political question of woman's suffrage possible, and that the Christian faith has raised her to her position as the companion and helpmate of man. He declared it the duty of women to demand the same standard of purity in men that men demand in women. Mr. George Wharton Pepper, of Philadelphia, one of the most widely known laymen in the Episcopal Church, spoke on the "Victories of the Present;" while the Rev. Dr. Charles Lewis Slattery, of Springfield, Massachusetts, who spoke on "Victories of the Past," declared that the period of negative criticism is rapidly passing. The note of this great meeting was one of active courage and steadfast conviction.

A WEEK OF DEVOTION

This note of an advancing faith and of progressive methods in Christian activity is strikingly reinforced by the appointment of the week beginning on Sunday, November 28, as a season of special prayer for the spread of the Kingdom of Christ throughout the world. The setting apart of a season for prayer is, of course, as old as the Christian religion. A special interest and significance attach to this proposal because it was made by the Inter-Brotherhood Conference at a meeting held in Pittsburgh last February, at which members of more than fifteen brotherhoods were present, representing the Episcopal, Congregational, Presbyterian, Baptist, Methodist, United Presbyterian, Disciples of Christ, and Universalist bodies. Since that Conference was held, promises of co-operation have been received from the Men's Organization in the Lutheran Church, from the Brotherhood of St. John in this country, and from the Brotherhoods of St. Andrew in Canada, the West Indies, and New Zealand, from the Church of England's Men's Society, and from the heads of several churches in Asia and Africa. The Outlook has often had occasion to declare that co-operation in work is a straight path to the unity of Christians; but quite as important and significant is co-operation in prayer, and the fact that this great army of laymen, representing so many creeds and organizations, should unite in a week of devotion is an inspiring evidence of the spread of the spirit of Christ among the Churches.

THE NEW THEATER

The New Theater in New York was dedicated on November 6, and opened to the public on the evening of Monday, November 8. The opening ceremonies were attended by an audience thoroughly representative of the city's intellectual, artistic, and social citizenship. The exercises were simple. The builder of the structure, Mr. Otto M. Eidlitz, delivered its keys to Mr. Thomas Hastings, of the firm of Carrere & Hastings, the architects. Mr. Hastings in turn handed them to Mr. J. Pierpont Morgan, who represented the founders. Mr. Morgan accepted the keys, thanked those who had planned and constructed the building, declared the theater open, and dedicated it "to the service of the drama and to the citizens of New York." The following ode by Percy Mackaye, set to music from Gounod's "Redemption," was sung by a chorus:

"Awake, awake, awake,
Spirits of Aspiration!
And hasten to renew
Your ministering vows;
For lo! the Prince of Faery
Returns within your walls,
Back from his ancient bright dominions.
Awake, awake, awake,
For he is crowned again.

But who is he, the Prince of Faery?
Of Hellas he was god, a swan was he in Avon.
But who is he, the Prince of Faery?
Of little children lord, of men and angels master:
Within the human mind he rules the world."

Addresses were delivered by Governor Hughes and Senator Root, and the programme ended with what one could hope was prophetic of the quality and spirit of the New Theater's contribution to the history of the drama. To the members of the New Theater company, grouped on one side of the stage, Mr. Forbes-Robertson, one of the most prominent and capable actors on the English stage, delivered Hamlet's speech to the players. In dignity and simplicity of bearing, in clearness and purity of enunciation, in naturalness of expression, and in sympathy and insight in interpretation, Mr. Forbes-Robertson's representation was a model which the

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assembled players would do well to study and emulate. The New Theater is a large edifice, of dignified exterior, and with an interior admirably adapted for convenience and comfort. It is decorated with a lavish hand, in a style ornate but not flamboyant. It has broad corridors, a stately foyer where it is proposed to have orchestral music during intermissions, abundant staircases—the two principal ones at the corners being double like the famous staircase in the château of Chambord—accessible cloak-rooms, a tea-room, smoking and ladies' rooms, and numerous courteous and well-trained attendants. The auditorium is large but well planned. It is a semi-ellipse, with its greatest length parallel to the stage, bringing every seat as close to the curtain as so large a house permits. At first the acoustics of the auditorium seemed a little doubtful, but at the later performances the conditions have been improved, and final judgment on this important point should be reserved till the management has had time to deal with it with experience and experiment to guide it. Doubtless the unfamiliarity of the players with so large an auditorium had not a little to do with the first disappointing results. They are already growing used to their surroundings and learning to get their voices out to fill the unwonted spaces.

THE PURPOSE OF THE NEW THEATER

The purpose and spirit of the New Theater were well described by Governor Hughes and Senator Root in their addresses. Governor Hughes said:

> This is not a dramatic club. It is not intended to be for the entertainment of the few. Its purpose is not to provide exclusive privileges. This should be regarded as the people's theater, making an appeal to the intelligent public, and it should be generously supported by the public. . . . We welcome this institution to-day, because, by the foundation that has here been provided by men of means, there will be an opportunity for the drama which might not be afforded if the field were left solely to be occupied by those who were impelled purely by commercial considerations; and we are content to believe that, with actors well trained, with companies well provided, with excellent management, and the representation of the drama according to its best traditions, a sure appeal will be made to the intelligence of the city of New York.

Senator Root expressed a similar sentiment, and then said:

> This institution abjures all pretensions covered by the cant phrase about "elevating the stage." Its purpose is to make it possible to preserve what is best in the drama by making it possible to present what is best upon the stage, even though the demands of profit and the requirements for profit may demand a lower standard. . . . Here can be found enjoyment which leaves no bad taste in the mouth; here the managers may snap their fingers at the sensational and meretricious; and here for many and many a year shall be exerted to the full the beneficent influence of the acted drama upon the minds, the morals, and the manners of our people.

The theater is to present two kinds of entertainment—the drama, including both those plays which time and the universal judgment have made classics, and new plays of merit and promise—and operas of the kind best suited for presentation in a comparatively small auditorium. It has a stock company of twenty-six members, which will be augmented from time to time for the purpose of special presentations. The company includes Miss Julia Marlowe and Mr. E. H. Sothern, the veterans Mrs. Sol Smith, Miss Rose Coghlan, and Mr. Albert Bruning, the well-known character actors Mr. Rowland Buckstone and Mr. Ferdinand Gottschalk, Mr. Louis Calvert, who has made a pronounced success on the English stage, Mr. Jacob Wendell, Jr., for several years the best-known amateur in New York, and several young women of personal charm and promising ability—Miss Olive Wyndham, Miss Forbes-Robertson, Miss Jessie Busley, and Miss Leah Bateman-Hunter. During the first week two plays were presented. The first was "Antony and Cleopatra," staged with magnificence and beauty of effect, and acted with earnestness and zeal. Unfortunately, neither Mr. Sothern nor Miss Marlowe seems to rise quite equal to the demands of the two principal characters, but where on the stage to-day would you find the ideal Antony or the ideal Cleopatra? The performance as a whole was creditable, but it indicated what students of the stage were already sadly conscious of—that modern methods of theatrical management do not give the solid foundation of dramatic training essential for an adequate rendering in all its parts of, for instance,

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a Shakespearean tragedy. How few modern players can read blank verse intelligently and acceptably! But this fact points the way to just one of the services which the New Theater ought to perform. The stock company, so universal in days gone by, so nearly unknown to-day, is the best school for the training of the actor in the fundamentals of his art. It is not too much to hope that the New Theater may be the means of raising up a new group of skilled players, able to play many parts in accordance with the best traditions of the theater. The second play was "The Cottage in the Air," adapted by Edward Knoblauch from a story by the author of "Elizabeth and Her German Garden." It is a pleasant, tranquil comedy, and it was played acceptably by members of the company, with Miss Olive Wyndham in the central part.

TWO ARTS HOUSED IN BOSTON

Monday and Tuesday of last week were days of special interest, not to say excitement, to Bostonians æsthetically inclined. On Monday evening the new Opera-House held its first public audience, and on Tuesday the doors of the Art Museum, on the same avenue, were for the first time opened. The Art Museum is not a new institution; it is the same Boston Museum of Fine Arts which for a number of years has had its home between Trinity Church and the Public Library, in the building that looks as if it had been made of German children's blocks. Those who gathered together on Tuesday, therefore, were actuated by curiosity, not in a new institution, but in an established institution's new building. The new structure is extensive, and is a conspicuous feature on an avenue which abounds in buildings of a public and institutional character. What interested Boston really more than the Museum, however, last week, was the opening of the new Opera-House. Local pride seems for the time being to be centered there. There is justification for this pride. This Opera-House and the organization that maintains it are distinctively Boston products. For years the only opera that Boston has heard has been that which some visiting company has produced there. Musical taste in Boston has apparently been satisfied by concerts; and with good reason. Nowhere in the world have orchestral and chamber concerts been more in accordance with the most exacting musical taste. Nevertheless, there has been growing an appetite for opera. Thanks to the generosity of Mr. Eben D. Jordan, who gave the site for the building, and to the patient and efficient service of a number of public-spirited citizens, the Opera-House is a reality. Among those whose services were indispensable, it is hard to select any for special mention; but it is fair to say that the project would not have succeeded without the skillful executive work of Mr. Frederick S. Converse, whose achievements as a composer in opera, in orchestral music, and in choral music have been accompanied by efficient service in promoting in many ways the interests of music in America. The new Opera-House has been constructed with a very large admixture of common sense. The money has been used for making it a serviceable opera-house. Its plain exterior testifies as to the purpose for which it was built. Its interior is admirably adapted to its use. It seats about two thousand persons, and it will hold no others than those it seats. Its acoustic properties are remarkable, and its system of ventilation has received the highest praise such a system can receive, namely, that no one in the audience thinks about the air. The chorus which has been organized has proved itself efficient, and the ballet is well trained; and both are chiefly American. The most vigorous criticism of the house has been with regard to the arrangements for receiving and distributing those who come by carriage. That Bostonians are appreciative of this new institution is demonstrated by the fact that the boxes and all the seats in the parquet are engaged by subscribers for three seasons to come. Notwithstanding the propitious opening of this Opera-House, the Boston Symphony, which is, in the opinion of all competent musical critics and music-lovers, the greatest musical organization in the United States, will continue to be the greatest musical institution in Boston.

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THE NEW UNIVERSITY FOR CHINA

As is well known, there is a growing demand for advanced university education among the Chinese. The University of Tokyo has recently had as many as seven thousand Chinese students. Large numbers of students from China are studying in Europe and America. In China itself schools and universities are being founded. But, for want of qualified teachers, few as yet are efficient. The most striking feature of the new educational institutions in China is their strongly materialistic bias. Hence there is special need of Christian university training. The Joint Committee of Oxford and Cambridge Teachers and Lecturers formed last year to report concerning the matter wishes to follow the organization of the Universities of Oxford and Cambridge —that is, a group of independent colleges, each more or less complete in itself, but gathered about a common center, with a common standard, a common examination system, and a certain number of common professorships. It is intended as much as possible to utilize already existing institutions in China, no matter how struggling or low in standard they may be, and ultimately to weld and band them into such unity and advance that their common degree will be recognized both in China and in the world at large as equal to the best. When this idea was announced, there was keen competition on the part of the various mission colleges in China to gain the proposed new institution for their particular center. A joint meeting has recently been held between the English commission, an American commission, and a local commission composed of representatives from various missions. The English plan has been accepted in the main, and a scheme of university government has been drawn up combining the strong points of the English and American systems. As the commission as a whole has on it graduates of the English universities, of Harvard, Columbia, Chicago, Stanford, and other American universities, it seems eminently fitted to form an international plan of government. The locality which appeals most as a place of settlement is that of Wuchang, a provincial capital, the seat of the vice-regal government of the two great provinces of Hupe and Hunan, with a metropolitan population in three contiguous cities of over two million people. All the Government colleges of modern learning for the two provinces are located there, and also the educational institutions of four leading missionary societies. Wuchang, with its neighboring cities, forms the Empire's geographical as well as commercial and railway center, and, what is perhaps of equal importance, the Mandarin spoken there can be understood by people from northern and southern provinces, who cannot understand each other. The contribution of Oxford and Cambridge to the new university will not be more distinctive than will that of the American universities, for the latter can handle science and engineering branches better than can the English universities. But, in the last analysis, the genius of the present movement is that it is religious, the basis being broad enough to include all those who call themselves Christian. The cardinal principle laid down by the commission is that university professors and teachers shall not be asked to subscribe to any definite formulas of Christian belief, but they must be men of strong Christian principles and with keen sympathy with missionary ideals. Such an institution, founded at the present time, may ultimately mold the Empire's educational ideals.

THE PROTECTION OF THE PUBLIC DOMAIN

Mr. A. C. Veatch, the Chairman of the Land Classification Board of the United States Geological Survey, has called our attention to a palpable error in an editorial paragraph in the issue of September 25 on "The Rapid Disappearance of Public Land." In that paragraph we said: "The people of the United States now own less than four one-thousandths of the public land formerly in their possession—a very small fraction. . . . Leaving out the Alaskan area and the appropriated and reserved areas of the country proper, it appears that the United States is now the proprietor of 386,873,787 acres of the least valuable land of our original possession of over one billion acres." Obviously, 386,000,000 acres is very far from being only four one-thousandths of one billion acres. As Mr. Veatch points out, "it is

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clearly over thirty-eight per cent of one billion." He adds further illuminating comment:

The original area of the public land was approximately 1,442,410,880 acres. The area of unappropriated and unreserved land which is given in The Outlook, taken from the last report of the Commissioner of the General Land Office, is over 26 per cent of this total area. If the area of forest reserves, National parks, National monuments, and Indian reservations is included in the above, the total area of the National land is over 500,000,000 acres. You are doing a very important work in bringing and keeping before the people the need of revising the public land laws. This fight for better laws and more adequate protection of the rights of the people as a whole should be all the more strenuous since there is still a considerable estate left to fight for—not four one-thousandths of the public domain, but over two hundred and sixty one-thousandths. This land is not entirely the leavings. The Government to-day controls an important part of the greatest phosphate deposits in the world. Over 60 per cent of the coal lands of the Western United States are still public property, and that this is no mean estate is shown by the fact that for the very small part of this territory acted on by the Coal Land Classification Board of the Geological Survey during the months of June, July, and August, 1909, the selling price was fixed at over $97,000,000. These properties the Government unquestionably owns.

Mr. Veatch's statement of the situation only corroborates The Outlook's contention that the conditions in the public domain of the United States demand most urgent action from Congress. Nearly two-thirds of the area of the public domain has gone over to private ownership. Much of it was taken up by individuals with bona-fide purposes of settlement and development. But not a little has passed into corporate rather than individual ownership, without adequate return to the people as a whole, and destined to be so developed as to enrich the few without corresponding advantage to the many. No small amount of public wealth in the form of lands, water, minerals, forest and water powers still belongs to the people as a whole. The day of individual ownership and individual development of such resources is well-nigh past. Before it is irrevocably too late, the Nation should see to it by careful and far-seeing legislation that no more of the public resources are alienated without the most ample return to the whole people whose property they are.

SECRETARY BALLINGER AND OUR NATIONAL RESOURCES

Mr. L. R. Glavis, recently an official of the General Land Office in the Department of the Interior, who was dismissed from the Government service by President Taft for bringing what the President believed to be unsupported and unwarranted charges of malfeasance in office against Secretary Ballinger, has made these charges public in a comprehensive and detailed article in the pages of Collier's Weekly.

While Mr. Glavis does not say so openly, he distinctly intimates that the rights of the people in the Alaska Coal Cases have not been and will not be properly protected by Secretary Ballinger because the latter has a pecuniary interest in the case of the claimants. This is the gravest charge that can be laid at the door of a Government officer. If true, it should result in the instant dismissal of such an officer from the Government service. If it is made recklessly or without proper evidence, no matter how patriotic may be the motives of the accuser, that accuser should be dismissed from the Government service. The full statement of Mr. Glavis, now made public, in our judgment fully justifies the action of the President in dismissing Mr. Glavis. The question was not, Is Mr. Glavis an honest, a patriotic, and a zealous public servant? it was, whether Secretary Ballinger, accused by his subordinate of being dishonest, was guilty. The President reviewed the charges in detail, decided, in his judicial capacity, that Mr. Ballinger was innocent, and pursued the only possible and proper course in dismissing the accuser when he dismissed the charges.

In commenting upon this case at the time, The Outlook asserted that the President's judgment concerning Secretary Ballinger's honor and integrity would be accepted as final by the country, but that it was "in bad taste" for Mr. Ballinger to accept a counsel fee from clients whose claim had been investigated by his Bureau and "to this day lies under the charge of being fraudulent." Since publishing this statement The Outlook has made a somewhat careful study of the

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history and records of the case. Mr. Ballinger asserts, and the records of his Department which we have examined confirm his assertion, that when he left the General Land Office in March, 1908, he was not aware of specific and definite charges of fraud against the Cunningham claims, which charges have developed since he left the office. There are over nine hundred Alaska claims, of which the Cunningham claims form only thirty-three. Most of the Alaskan coal frauds are frauds of "dummy" entries. No such charge is made against the Cunningham claims; their alleged illegality rests upon the belief of some of the Government officials that the original entrymen had entered into a prohibited combination before making their entries. This is a question of fact which will be determined by evidence at the coming hearing. It may be that this illegal combination was made; we are inclined to think that the evidence so far made public points in this direction; but it is perfectly reasonable to suppose that in the General Land Office the Cunningham group had an entirely different status from the "dummy" entry groups, and that the head of a great bureau of the Government could not be expected to be familiar with every aspect of every one of the nine hundred claims. The Outlook is therefore very glad to withdraw its charge of bad taste on the part of Mr. Ballinger, which it rested on the ground that he accepted a retainer from claimants whose cause he knew was tainted. Nevertheless, it is unfortunate that Mr. Ballinger should have acted even in an unimportant capacity as an attorney in the case. The incident, and we think Secretary Ballinger will agree with us, demonstrates the wisdom of Secretary Lamar's opinion that the law, which forbids an officer of the Government from appearing within two years of his retirement from office on behalf of any claim against the Government that was pending during his term of office, was intended to include, not merely money claims, but all claims of every sort. If this construction of the law, which we are bound to say has been construed by most Government authorities as simply referring to money claims, had been followed by Secretary Ballinger, he would have been saved a very large part if not all of the discomfort which he has suffered in connection with the Cunningham case.

Finally, the facts brought out in public discussion of this matter, taken in connection with the speeches of the President during his recent tour and the statements of Secretary Ballinger to the press and to private individuals, give every assurance that this Administration is heartily in favor of a rigorous policy in behalf of the conservation of National resources. We believe it will be found, from a reading of the President's forthcoming Message, from the report of the Secretary of the Interior, and from the opinions of the Department of Justice, that this Administration believes in applying to all the National resources not now in private hands, consisting of coal, mining and mineral lands, water powers, and timber, the doctrine which has been applied so successfully, and in the face of powerful opposition, to the settlement of some street railway problems—namely, the doctrine of Government ownership and private operation. If Secretary Ballinger advocates this doctrine (as we believe he will), and if the Administration throws its weight in favor of whatever legislation may be necessary to make the doctrine effective, real conservation will receive a forward impulse of profound importance. Whether, under the doctrine of Government ownership and private operation, the right to develop the wealth shall be leased or sold to private capital is a detail, although an exceedingly important one, to be left for future discussion. We here put ourselves on record as advocating the leasing, and not the selling, system.

THE LESSON OF A GREAT GENEROSITY

In its issue last week The Outlook described the late Mr. John Stewart Kennedy as a man who, after his retirement from business, applied his energy and his working power to wider and more impersonal interests, adding that his chief joy in life was to help people with wise gifts of money. The magnitude of those gifts and their number were probably known to no living person. Mr. Kennedy himself had probably forgotten many of them; for

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it is the nature of such a man to forget his virtues and remember his faults. The Outlook's judgment of this able and large-hearted man received dramatic confirmation when his will was published. It is estimated that Mr. Kennedy's wealth exceeded sixty millions, and that under his will at least half that amount will be distributed for the betterment of men, in educational, religious, or philanthropic ways. These gifts are made without conditions, a fact significant alike of Mr. Kennedy's wisdom and of his generosity; for it rarely happens that a man standing outside the management of an institution can foresee circumstances that will arise in the future and determine the direction in which his beneficence shall be applied. Mr. Kennedy did not attempt to control this great mass of wealth after his death. He selected the objects of his beneficence with the utmost care, and then trusted the management of his funds implicitly to their integrity and skill.

These colossal gifts involve a colossal fortune accumulated through many years of tireless energy and unusual capacity for affairs. It is a significant fact that Mr. Kennedy, although one of the richest men in the country, counting his millions by the score, had never been attacked as a man of wealth. He had never been misrepresented or abused. So far as the records show, no man has envied him his great possessions, nor has any class made war on him. The Outlook has protested many times against the assumption that the endeavor to impose regulations of various kinds on great accumulations of active capital was an attack on wealth. The American people are not an envious people, nor are they in any large number communistic or radically socialistic in their temper of mind. They have an ingrained and probably unshakable faith in individual initiative and in financial success as the result of courage, integrity, and hard work. What they want in this country is not an equal distribution of wealth, but, as far as possible, equality of opportunity. There has been no agitation against property except in the mouths of a few radicals, negligible in number. There has been vigorous agitation against unfairness, injustice, and dishonesty, and that agitation will continue until these causes of discontent are removed. Mr. Kennedy acquired a vast fortune by fair and just means, and no one envied his prosperity.

Quite as important as the distribution of this vast wealth is the ground on which that distribution was made; the attitude toward the community which that distribution expressed:

> Having been greatly prospered [reads one of the articles in Mr. Kennedy's will] in the business which I carried on for more than thirty years in this my adopted country, and being desirous of leaving some expression of my sympathy with its religious, charitable, benevolent, and educational institutions, I give and bequeath out of the rest, residue, and remainder of my estate, after payment in full of all the gifts mentioned in the foregoing articles of this my will, the following legacies.

And then follows a long series of gifts, ranging from five thousand to two and a quarter million dollars, to various colleges, homes, missions, associations, schools, infirmaries, hospitals. With a lavish hand Mr. Kennedy pours money into the great public institutions of New York; the Metropolitan Museum of Art, the Public Library, Columbia University, and the Presbyterian Hospital receive $2,250,000 each; the Presbyterian Boards of Home and Foreign Missions and the Church Erection Fund receive the same amount. The Church Extension Committee of the New York Presbytery receives $1,500,000. The United Charities of New York and Robert College at Constantinople receive the same amount; while the University of the City of New York, the Bible Society, and the School of Philanthropy of the Charity Organization Association each receive $750,000. Many other institutions receive liberal bequests. Finally, after the specific bequests are paid, the residuary estate, which it is believed will be very large, will be divided in fixed proportions among certain public institutions named; and it is believed that this will very materially increase the amount received by them.

Here is the most conspicuous example in the history of the country of the man who worked for his city, and divided his prosperity with his city, who paid back with a lavish hand that which had been given him in the way of favorable opportunities for fortune, protection, safety,

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health, and pleasure. Here is the most striking recognition in the history of America of that civic obligation which rests upon the men who, under the American system, have risen from poverty to wealth, have made almost unlimited use of the great opportunities which, under American institutions, are open to every capable and energetic boy; of that Christian stewardship under which a man holds his wealth, not for selfish purposes, but for the betterment of humanity. Here is a suggestion of a possible cure for a great number of the ills which afflict the social and industrial order of the day. If Mr. Kennedy's spirit were general; if every man recognized his double obligation to his family and his fellows; if every man worked with one hand for those nearest him and with the other hand for those less fortunate than himself, the destructive element in society would practically disappear. Justice must go even-handed with generosity; but out of such a spirit as that which expressed itself in Mr. Kennedy's noble gifts would come such rectifications of the social and economic order, such modifications of existing law and provision for future need, that the cry of injustice would be silenced forever.

A CLOSED QUESTION

Two dependencies of the United States are greeting new Governors. Colonel George R. Colton has recently delivered his inaugural address as Governor of Porto Rico, succeeding Mr. Regis H. Post; and Mr. W. Cameron Forbes has been appointed to succeed General James F. Smith as Governor-General of the Philippines. Thus in the nearest and in the most distant of our island possessions there is a change of administration.

This change in administration, however, does not mean in either case a change of substantial policy. In many details, not improbably in some important methods, there may be a difference. Personality weighs heavily in any form of government; and a change in personality is not to be ignored. In Porto Rico the difference is striking. Mr. Post is one of the most prominent and able of that younger group of men whom Mr. Roosevelt drew into public life, and whose fine spirit of disinterested service has had a wholesome effect upon the attitude of the great body of men in civil position. It is an interesting coincidence that the retiring Governor of Porto Rico was born in the same year as the new Governor of the Philippines and graduated a year ahead of him at Harvard. In particular Mr. Post has been frank, outspoken, energetic. Under his administration progress in Porto Rico has been marked. Not the least evidence of this progress has been the freedom which the Porto Ricans themselves have shown in their expression of opinion. This evidence is quite as striking as the extraordinary material advance which the island has made. Mr. Post's successor, Colonel Colton, is a man of different temperament. Of middle age, suave, diplomatic, but firm, he brings to his new position a wide experience gained particularly in the Philippines and in Santo Domingo. He has special knowledge on tariff matters, and understands the importance of commercial development. In the Philippines, conversely, the military man is succeeded by the man of purely civilian training, the older man by the younger. General Smith is a Roman Catholic and a Californian; Mr. Forbes, known to Harvard graduates as "Cam" Forbes, one-time coach of the Harvard football eleven, comes of a distinguished Massachusetts family of Puritan antecedents and Abolitionist traditions. Five years ago Mr. Forbes went to the Philippines, prompted by public spirit, to serve on the Philippine Commission. He has recently been Acting Governor of the islands. Such a change in personality must have its effect, but it is comparatively unimportant beside the fact that in each case the policy of the Government remains unchanged.

That policy is characteristically American. It is American not only in the spirit of optimism with which it has been undertaken, but also—and chiefly—in the object which it has in view. That object is the training of a people accustomed to autocracy in the art of self-government.

It is said that this policy is Utopian because it has never been undertaken by any other government. The example is cited of two of the most successful colonizing powers—Holland and England.

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Neither of these nations has established its colonial governments with the express purpose of teaching the dependent peoples within the confines of the colonies how to govern themselves; and yet no nations on earth can show such successful and well-established colonial governments as these. For the United States, a novice in colonial government, to undertake a task which no other nation, even the most successful, has attempted, is, it is argued, visionary and impracticable, and can end only in failure.

In part, this is reasoning from false analogy. Because the dependencies of other countries are colonies, therefore it is assumed that the dependencies of the United States are colonies. That assumption is contrary to fact. A colony may be one of two sorts. It may be like the British colonies in America, a settlement of people who have left their mother country to live in an uninhabited region. In that case the mother country extends its government to that region in the interest not only of the settlers but of its own people, of whom the settlers are a part. Or a colony, like the English colony in Egypt, may be a settlement of people who have left their own country and gone to live among a conquered people in order to maintain the ascendency of the mother country and to gain commercial advantage for themselves and their fellow-countrymen. Originally colonists (as their name, from *colonus*, farmer, indicates) were pioneers, like our Western frontiersmen. Now, none of our dependencies, unless it be Hawaii, is of this sort. Particularly, neither the Philippines nor Porto Rico is in origin or history an American colony. Since our dependencies are not colonies, there is no force in the argument that they should be governed like colonies. But even if the analogy were not false, still the conclusion would not follow. The fact that an undertaking is unprecedented is no ground for believing it impossible. The American Republic itself is unprecedented. The most conclusive answer, however, to this criticism is that the ten years' experience of the United States in its dependencies has been so impressive that, so far from the United States following the example of England, England itself is considering the idea of following the example of the United States. It seems, therefore, that this criticism is sufficiently answered.

On the other hand, it is said that this policy of the United States towards its dependencies is insincere; that it is a covert plan of exploitation; that, as it is practiced, it is a denial in act of a mere promise to the ear; and that if it were genuine the United States would bestow self-government upon its dependencies by granting independence.

This criticism is obviously based on a confusion of independence with self-government. Russia is independent, but in only a very slight degree are its people self-governing. Turkey has long been independent, but until the recent revolution the people of Turkey were self-governing in no sense at all. On the other hand, Canada, though not independent, is self-governing. Independence may be granted; but self-government is like self-control—it cannot be given by one to another out of hand. This is even more true of self-government exercised by a people than of self-control exercised by an individual; for self-government involves the establishment of special institutions, of governmental forms and modes of procedure, which it requires time to establish. Yet, even if the United States were able to impart to another people forms of self-government, it would not be imparting self-government itself. Self-government is a habit; and a habit in a people, as in an individual, is the result of long-continued and repeated action. The United States cannot give such a habit to the Porto Ricans or to the Filipinos. It can only do what a parent or teacher does with a child; it can only guide and train the Filipinos and the Porto Ricans in the habit of self-government. If it does that, it need not be greatly concerned about the forms of government. Those forms will develop out of the practice, though their establishment can be hastened by the controlling power. Moreover, self-government is impossible without material resources. If the United States is to train Porto Rico and the Philippines in self-government, it must enable them to establish a firm economic foundation. That is not a matter of a day or of a year, or necessarily of a generation. No people can govern themselves who

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cannot tax themselves; and no people can tax themselves who have no widely distributed property. It is just because the United States is sincere in its undertaking to bring about in its dependencies ultimate real self-government (whether with independence, as in Japan, or without it, as in Canada) that it is moving deliberately, and that it is engaged in the hard task of establishing in those dependencies the elements of a sound economic and social condition.

This is the policy regarding dependencies which may fairly be termed American. It is no longer a subject for dispute as a practical issue. It has been so unqualifiedly adopted that even those who disapprove it cannot expect to see it reversed or materially modified. If Americans are not talking much about the Philippines or Porto Rico, it is not because they are indifferent to the welfare of the people of those dependencies, but because they regard the policy toward them as settled.

THE NEW FEDERAL CORPORATION TAX LAW

The new Federal Corporation Tax Law is perhaps the most radical piece of legislation for the regulation of wealth and industry which has ever been placed upon the statute-books of the United States. If it is to serve the country beneficially, as The Outlook heartily believes it will, it must be strong enough to withstand the strongest criticism that can be brought to bear upon it. The able article by Mr. Charles W. Pierson in this issue of The Outlook constitutes a strong criticism, and for that reason we are glad to print it. Should Mr. Pierson's arguments be presented to the Supreme Court, we conceive that the reply of the attorney for the United States might be somewhat as follows:

The measure is not primarily a revenue measure; it is framed for the ultimate purpose of promoting Federal control of corporations. Legally, however, it must stand or fall on the Constitutional right of the Federal Government to lay a tax upon the privilege of doing business in a corporate capacity. It is conceded, on the one hand, that the power to tax carries with it the power to destroy. It must be conceded, on the other, that the Federal Government has the right to regulate inter-State commerce and to destroy by legislation forms of that commerce which Congress decides are noxious to the people. It can tax out of existence the currency of State banks—corporations which are purely creatures of the separate States—because the Congress believes such currency to be inimical to the Federal function of regulating the currency. It can destroy the business of those who make hand car-couplers by legislating them out of existence on all inter-State railway trains. Thus the right of the Federal Government to destroy certain forms of business, either by legislation or by taxation, is firmly established, provided the business is inter-State in its nature. It may be shown, we believe, that every industrial or financial corporation, no matter how strictly limited within the boundaries of a given State its mercantile transactions may be, has a direct effect upon inter-State commerce through its competition with inter-State corporations, and especially through the fact that its securities may be bought and sold and held in every State. It is not too far-fetched to say that in a very real sense every corporation is an inter-State corporation, and that the Federal Government, therefore, in exercising its admitted right of control over inter-State commerce, may tax corporations even when they are created solely by the State of New Jersey.

THE SPECTATOR

"Lookin' fer the Mayflower tombstun?" said the stout sexton as cheerfully as if his ancient graves were pieces of bric-à-brac—sextons are a placid race, and immemorially philosophical. "Here it is—slate, or it wouldn't hev lasted like it has. Only grave of a Mayflower passenger still marked with the original tombstun. 'Captain Richard Moore.' This is the time of year to see it. Many's the time I've been out here in the winter-time, and the snow's been level right over the top of it." This seemed likely, for the little pointed slate headstone, sunk slantingly in the ground, was a most humble and retiring affair. Anywhere but in Salem

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it might have been lost sight of; but Salem preserves her old landmarks and ancient memories with a pious care, as well as with a shrewd eye, perhaps, for summer visitors. All along the Massachusetts coast the summer visitor is to the townspeople as the corn crop to the Western farmer, and cannot be left out in any civic calculations. And the summer visitor, if he is wise, seeks out the old Charter Street burial-ground, where "Burying Point" projects into the picturesque South River, and where all the old notables of Salem lie under the shady elms, waiting for the judgment day. Nobody is ever buried there nowadays, not even in the ancient granite vaults sculptured with worn coats of arms, no longer decipherable. "I've been here twenty-five years, and no vault has ever been opened fer buryin' in my time," said the sexton. "There's one tree has grown up over here, and been carryin' this footstun along with it fer twenty years," and he showed the Spectator a sturdy elm whose thickening trunk and spreading root had slowly and safely moved a slate footstone sidewise and forward to within a foot of its undisturbed headstone. "Never broke it, either. Not even cracked," commented the sexton. "Couldn't be done, 'ceptin' by a tree."

Somehow the tricksiness of the thing, with its underlying somber suggestion, reminded the Spectator of Hawthorne—especially as here before him was the tomb of Justice Hawthorne, of witchcraft fame, and to one side of the graveyard rose the dilapidated but once stately house where Sophia Peabody lived during Hawthorne's courtship of her. Gray and weatherbeaten, it nevertheless is quite worthy to figure in the two romances in which it holds place—the "Dolliver Romance" and "Dr. Grimshawe's Secret," from the latter of which it has become known—and shown—as the Grimshawe House. It was certainly characteristic that Hawthorne's happiest and most romantic youthful hours were spent next door to an ancient graveyard, overlooking the last resting-places of those old Puritans whose sins and strait-lacings slept with them under the quiet trees above the river. Here is the grave, too, of the "afflicted child" who figured in the original witchcraft case, and here lies "Dr. John Swinnerton, Physician," who died in 1688, and furnished the old apothecary, with his sign of the Brazen Serpent, to the "Dolliver Romance;" and here Governor Bradstreet's monument rises near the simpler stone of Cotton Mather's precocious younger brother Nathaniel. "*An aged person that had seen but nineteen winters in the world.*" Strange that Puritanism and these rapid twentieth-century days should both produce the world-weary youth along different lines.

From the Burying Point the Spectator wended his way toward other landmarks, warned by the cheery sexton what to expect. "Summer folks want souvenirs, and they git 'em. I live over by Gallows Hill; I was raised there. Every year the town hauls stuns to put on the road, and every year the summer visitors come over and carry away a stun apiece from Gallows Hill fer a souvenir. Costs the town quite a bit in stun, I tell ye. Yes, some says the witches was buried over there, in the clefts of the rocks, and some say they was taken away by night and buried. I don't believe either way—there ain't nobody really knows. One witch, Rebecca Nurse, was buried in Danvers, and Whittier, he wrote the inscription for her monument; there's a memorial association to take care of it, or else the summer folks would chip it all to pieces." He spoke indulgently, but as one would speak of the feeble-minded, and the Spectator felt himself classified, as he sauntered down toward the Custom-House, with its great golden eagle, and the House of the Seven Gables.

But he was not quite prepared for the House of the Seven Gables, after all. Sundry small boys followed him, desiring to act as guides—any child in Salem over six years of age is able and eager to set forth all Hawthorne's biography and lecture on the witchcraft landmarks—and they brought him out, at length, on the placid South River again, where a Seaman's Bethel, with a yard full of barefoot children playing on the bank, was wedged in between the waterside and a frame

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house apparently in process of construction. It was in a stage preparatory to shingling, and workmen swarmed upon it. In front rose a sign:

HOUSE OF SEVEN GABLES
CLOSED
TO BE RESTORED
OPEN TO VISITORS ABOUT OCT. 15

Now the Spectator has often suspected the most antique-looking landmarks of surreptitious restoration. But here was one, so to speak, caught in the very act. More than that—having always heard that the House of the Seven Gables had but four or five, instead of Hawthorne's mystic number, he had the curiosity to walk around the building, and found enough gables stretching out to satisfy anybody, while one of the small boys explained, in a high monotone: "This house is bein' restored in every part, and the gables that formerly existed is bein' searched out and rebuilt." As the Salem guide-book—the best of its kind in all America—expressly says that "the house did not have seven gables in Hawthorne's day, if it ever did," the power of the summer visitor, like the genie of the lamp, to summon things up was here fully illustrated.

The last time that the Spectator was in Salem was in midwinter, when he wandered, with a friendly antiquary, amid the scenes and memories of the witchcraft delusion. Summer, with its gay sunshine in the sleepy old streets, seemed foreign to that grim theme, and so he did not revisit the court-house and Gallows Hill, but sauntered into the picturesque white marble "Salem East India Marine Society" building, the home nowadays of the Peabody Institute, to find himself in the most satisfying place in the world. How can one describe that paradise of collections? Mammoth full-rigged ships done by the hands of superlative old salts, each ship a noted one, and every rope and spar lovingly reproduced; white swan-tureens, life-size, used at the banquets of the original Society (whose membership was confined to "persons who shall have navigated the seas near the Cape of Good Hope or Cape Horn as Masters and Commanders, as Factors and Supercargoes of any vessels belonging to Salem"); pictures of whaling scenes, and tools and log-books used on whalers; old sea chests; carvings from China; ships' punch-bowls; spears and war-clubs from the New Hebrides; a double-roofed devil's temple from Fiji; a case of Malay krises; Polynesian weapons made from sharks' teeth; a colossal Hawaiian god; a group of Australian boomerangs; feather head-bands and kava-bowls from Samoa; human heads, curiously preserved by the savage tribes of Ecuador; the gun of an Algerian pirate; jade ornaments from Sumatra; carved stilts from the Marquesas Islands—all the spoil of those excellent curio-hunters, the old captains of Salem, who began this collection in 1799 with a rhinoceros horn, an elephant's tooth, and a two-stemmed pipe from Sumatra, and never stopped adding to it until Salem's commerce with the East declined and her ships no longer sailed "even to the remotest ports," as her seal boasted.

In some directions this collection is unequaled outside of the British Museum; and it has all the cleanliness and the compactness of a ship-of-war about it, with all that flavor of the sea that clings about the ancient town, though gum-copal and ivory, silks and dates, spices and ambergris and baleen, come no more to its wharfs. Looking at its treasures, the Spectator wondered no more that Salem boasts a mandarin of her own—a real mandarin of the first rank, red button and peacock feather, the celebrated Ward, who led, with Chinese Gordon, the Ever Victorious Army in the Taiping Rebellion, who was killed commanding the Imperial troops, and who has a temple and pagoda all to himself in China to-day. His portrait, the Imperial decree in his honor, and his mandarin's hat, with button, peacock feather, and all—are they not to be seen at the Essex Institute, a few doors down the street? Did Ward haunt, as a boy, these low-timbered rooms and dream of the riches and mysteries of the Far East? They are surely enough to send any Salem boy in search of a mandarin's hat. Witchcraft and whaling, romancer and mandarin—the Spectator came away from Roger Conant's town with glamour in his mind—a glamour that all who have dwelt in Salem will understand.

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ARCTIC WORK AND ARCTIC FOOD[1]

BY GEORGE KENNAN

I HAVE received, directly or through The Outlook, a number of letters from persons who, for various reasons, have found my article on "Arctic Work and Arctic Food" untrustworthy, unsatisfactory, or unconvincing. Before replying to their objections and criticisms, I desire to say a few words with regard to the temper in which many of Dr. Cook's supporters come to the discussion of the questions involved in the existing polar controversy. In the article to which my critics take exceptions I did not say a word in defense of Commander Peary, nor question the intelligence and good taste of Dr. Cook's admirers, nor make use of any abusive or discourteous language. Most of the letters that I have received in reply to that article either impugn my motives or insult and vituperate Commander Peary and me. The abusive paragraphs relating to Mr. Peary are too numerous and too long for quotation here, but they describe him as "jealous, disappointed, and vindictive;" a man of "narrow vision and a craven heart;" "unworthy of confidence and utterly devoid of the instincts of a gentleman;" a man whose home-coming brings as much shame as fame to the people of the United States; an explorer who "went to the Pole like a lady;" a "tom-cat on the back fence;" "a blackguard and a poltroon."

Personal abuse could hardly go further than this, and yet the men who write such letters seem to be wholly unconscious that they are doing themselves the very thing that they condemn Commander Peary for doing. The editor of a Western newspaper who, in a letter to me, calls Peary "a blackguard and a poltroon" writes, at the same time, a leading editorial in which he praises Dr. Cook for not resorting to abusive language and says:

"No grander example of the kind has ever been presented to the people of this country, and it is an example which the young man, especially, would do well to ponder long and carefully."

Why the writer himself did not imitate this "grand example" he neglected to inform me.

There is no reason that I can see why a controversy about a sledge journey cannot be carried on with at least the forms of courtesy. Huxley and Gladstone, in their day, had a good many hot skirmishes over questions of religious faith—the most exciting of all questions—but they always observed the rules of honorable combat, and, so far as I remember, their supporters never made use of such abusive epithets and picturesque metaphors as "blackguard," "poltroon," and "tom-cat on the back fence." Opprobrious names do not have the force of argument, and it is a weak case that has to be strengthened with bad language.

The criticisms of my article that have reached me relate (1) to my assertion that eleven degrees of latitude has hitherto been the record for a north polar sledge journey, out and return, over pack ice, in a single season; (2) to my figuring on Dr. Cook's food supply; and (3) to the length of time that it is possible to stay in the field with the food that can be carried on dog-sledges. I will take up first the criticisms that can be answered most briefly.

1. An Alaskan correspondent ridicules my statement that eleven degrees of latitude has hitherto been the record for an out and return north polar sledge journey, and refers me to sledge trips two or three times as long in Alaska and British America. I do not question his figures, but he misapprehends the subject under discussion. We are talking of sledge journeys toward the Pole and back over the circumpolar ice, not land trips through countries more or less settled. I once made, on runners, the whole trans-Asiatic journey from the Okhotsk Sea to the Volga River, a distance of 5,733 miles, in eleven weeks; but that has no bearing whatever on the record for north polar expeditions over ice.

Mr. Caspar Whitney, in Collier's, says that in 1895, in Arctic and sub-Arctic

[1] See Mr. Kennan's article on this subject in The Outlook for October 16 last.—THE EDITORS.

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America, he made 1,973 miles in 115 days. This was a noteworthy and highly creditable achievement, but it has no relation to such ice journeys as Nansen's, Cagni's, and Peary's. Mr. Whitney speaks rather slightingly, not to say contemptuously, of "easy-going Siberian methods;" but perhaps the Siberian dog-sledgers might have something to say for themselves if they could be questioned. Baron Wrangell records the fact that he received, on the coast of the Arctic Ocean, east of Nizhni Kolymsk, in March, letters that had been brought, with horses, reindeer, and dogs, in eighty-eight days, the enormous distance of 7,333 miles, including 1,576 miles made with reindeer and dogs through the coldest region known to exist in the northern hemisphere. (Wrangell, "Expedition to the Polar Sea," Chap. XII, p. 247.) Baron Wrangell himself, with Siberian dogs and drivers, went four times in succession out on the polar ice-pack, breaking a way with crowbars and axes through hummocks and pressure-ridges sixty to eighty feet in height. Often he was not able to make more than two miles in seven hours of arduous and exhausting labor. (Chap. X, p. 210.) Such were "easy-going Siberian methods" in those days, and every winter since that time the Russian carrier of the Kamchatkan mail has gone on dog-sledges from Yakutsk to Petropavlovsk, a distance of more than 2,500 miles, crossing four ranges of mountains and breaking trail most of the way. The Russians have been driving dog-sledges in Siberia nearly two and a half centuries, and, naturally, they have acquired some knowledge of the art. Their methods may be "easy-going," and they may have suffered less frequently from starvation or semi-starvation than sledgers in Arctic America, but there is no merit in starving to death when, by intelligence and foresight, one can keep one's self alive and fairly comfortable.

2. Mr. William F. Lyman, of Westfield, Massachusetts, and the Rev. Samuel S. Marquis, Dean of St. Paul's Cathedral, Detroit, criticise unfavorably my figuring on Dr. Cook's food supply, and regard it as erroneous and misleading. Both urge the same objections to it, but as Mr. Lyman makes his points effectively, and at the same time with courtesy, I shall consider only his argument. His principal criticism is expressed as follows:

> In his Dr. and Cr. computation, Mr. Kennan seems to assume that the eight dogs which died in the first ten days all died on the tenth day, as he reckons on a food supply for the whole number for the first ten days; similarly with the six and the two dead dogs of the second and third items. It would seem to be fair, in the absence of definite information, to assume that one dog died per day during the first ten days of the journey, beginning with the third day out, and that one died on each of the last six of the second days, and one each on the last two of the eleven days included in Mr. Kennan's third debit. Of course the sooner the dogs died the less they ate, and the more favorable to Dr. Cook's claims is the result of the computation. . . . Assuming, for the sake of argument, that men and dogs could live on eight ounces a day, and calculating the dates of the deaths of the dogs as suggested, Dr. Cook would have used 453¾ pounds of food [out of a total of 1,098, including dog-flesh] on reaching the Pole, and have had 644¼ pounds left, or sufficient for three men and ten dogs for ninety-nine days, or a total journey of one hundred and thirty, not eighty-four, days.

This difference of results between Mr. Lyman and myself is due mainly to the fact that Dr. Cook does not say when his dogs died or were killed. I disposed of them in groups, at intervals of ten or eleven days, not because I supposed that they actually perished in groups, but because I thought that if none died or were killed in the first ten days (as seemed highly probable), and if at the end of that period I relieved the food supply of eight consumers that really did not perish until from one to ten days after that period, I should be dealing with the problem by a rough method of general average which would be simple in statement, easy of comprehension, and not at all unfair.

Mr. Lyman says: "It would seem to be fair . . . to assume that one dog died per day during the first ten days of the journey," and "of course the sooner the dogs died the less the dogs ate, and the more favorable to Dr. Cook's claims is the result." I admit the last part of this proposition, but not the first. If Mr. Lyman will look through the history of Arctic dog-sledging, he will find that dogs do not begin to die, and are not killed, in the first ten days of a hard journey. They do not die because they start in full vigor and it takes time to break them

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down, and they are not killed because the success or failure of the expedition depends largely upon speed, and no prudent dog-sledger will lessen his chances of success by destroying a quarter or a third of his motive power for the sake of saving dog-food. Take, for example, the case of Nansen. His first dog perished on the ninth day of his ice journey, and was killed then only because "he had become so ill that he could not be driven any longer." ("Farthest North," Vol. II, pp. 84, 85.) Nansen lost only five dogs in the first forty-four days, and did not begin killing them expressly for food until the latter part of April, when, as he says, he had only two or three days' dog-food left on his sledges. ("Farthest North," Vol. II, pp. 85–111.)

The fact that Dr. Cook lost or killed fourteen dogs in the first thirty-one days, while Nansen lost or killed only five in the first forty-four days, is in itself a fact that needs explanation, because Nansen's experience was certainly much harder and more trying on dogs than Cook's. The condition of the latter's surviving dogs at the end of the first month did not indicate such hardships as would explain the death of fourteen out of twenty-six. In describing their behavior as they approached the Pole, Dr. Cook says:

> Through this sea of color the dogs came with a spirited tread, noses down, tails up, and shoulders braced to the straps like chariot horses. . . . The dogs looked large and noble as they came along that day. (Narrative, Part XI, New York Herald, October 5, 1909.)

Compare this with Nansen's description of his dogs as he drew near the point where he turned back:

> Then came Johansen with the two other sledges, always shouting to the dogs to pull harder, always beating them, and himself hauling to get the sledges over the terrible ridges of ice. It was undeniable cruelty to the poor animals, from first to last, and one must often look back on it with horror. It makes me shudder, even now, when I think of how we beat them with thick ash sticks, when, hardly able to move, they stopped from sheer exhaustion. It made one's heart bleed to see them, but we turned our eyes away and hardened ourselves. ("Farthest North," Vol. II, p. 89.)

Dr. Cook's dogs do not seem to have had any such experience as this, and yet they perished at the rate of fourteen in the first thirty-one days, while Nansen's died at the rate of only five in the first forty-four days. (London Times Copenhagen interview, September 10, 1909, and "Farthest North," Vol. II, pp. 85–111.) If Dr. Cook's account represents things as they were, why this difference? Does Mr. Lyman still think that Dr. Cook killed off healthy and efficient dogs at the very beginning of his journey, merely for the sake of saving dog-food? If there was any advantage in that course of procedure, why did not Nansen follow it? Why has it never been followed by any Arctic dog-sledger?

But even if we admit the assumption that a dog died or was killed every day for the first two weeks, which would bring us to the 4th of April, Dr. Cook is not helped much, because, notwithstanding the food gained in the shape of the flesh from fourteen dogs, and notwithstanding the food saved by getting rid of fourteen consumers, the Doctor says that on the 11th of April—the twenty-first day of the journey—he had used up "nearly half" of the food supply that he carried. (Narrative, Part X, New York Herald, October 3, 1909.) In other words, he had on hand for the remaining nine weeks only a little more food than he had consumed in the first three weeks. It might be possible to make a little more than half the total food supply last through these nine weeks if we were at liberty to assume that the daily ration was reduced one-half or more after April 11; but we cannot do that. Dr. Cook expressly says that the one-pound ration of pemmican was not cut down to three-quarters of a pound until about May 29, when he crossed the eighty-third parallel of latitude on his return. (Narrative, Part XII, New York Herald, October 7, 1909.) And when he first reached New York, he further said, in an interview with forty reporters, that he made his food last, not nine weeks from April 11, but ten and a half weeks; and that it did not entirely give out until June 23, when he was abreast of Ringes Land, 800 statute miles from the Pole. (Interview at the Waldorf, September 22, New York Semi-Weekly Tribune, September 24, p. 6.)

I do not think that Mr. Lyman, by any possible method of figuring, can make a

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little more than half Dr. Cook's total food supply last from the 11th of April to the 23d of June, unless he disregards Dr. Cook's plain statements as to the way in which the food was used. Mr. Lyman seems to think that I ignored everything except the pemmican, and thus made it appear that Dr. Cook had nothing else, but I cannot see that I did so. I expressly stated that "Dr. Cook's full ration at the outset was 29.8 ounces, viz., 16 ounces of pemmican and 13.8 ounces of other food." (The Outlook, October 16, p. 341.) I confined my computation to the pemmican only because Dr. Cook said he used a one-pound daily ration of that for men and dogs, regardless of the other food.

Two of my critics, Mr. H. M. Brooks, of Cambridge, Massachusetts, and Mr. Arthur Allen, of Windsor, Connecticut, point out the fact that in order to make Dr. Cook's food last twice forty-two days (on the basis of my computation) it would be necessary to reduce his ration to about nine and a half ounces, instead of eight ounces, as stated by me. They are right. The difference does not affect the argument, but the reduction should be as they state.

3. One of the most thoughtful and clear-sighted of my critics, as well as one of the most courteous, is the Rev. J. M. Robertson, of Emmanuel Church, Emporium, Pennsylvania, who says:

> In the light of what Dr. Nansen accomplished, the story of Dr. Cook's achievement does not seem so incredible as Mr. Kennan would make it appear. Nansen and Johansen left the Fram on March 14 with three sledges, twenty-seven dogs [twenty-eight.—G. K.], and a total weight of food and equipage of 1,446 pounds. They had no supporting parties and no food deposits to fall back upon, and with the exception of five birds and one small fish had no game supplies prior to June 21, a period of ninety-nine days. At this time they had still three dogs left. On June 8 they estimated that the provisions for themselves could be made to last for thirty-five or forty days longer. If two men could remain in the field one hundred and twenty days with no other supplies than those they took with them, it seems quite possible that three men (two of them Eskimos) could subsist for eighty-two days. Dr. Nansen states that before he began his sledge journey he intended to allow each dog one pound of pemmican a day, but that during the actual expedition the dogs had to be content with a much smaller ration, on an average scarcely more than nine or ten ounces.

Mr. Robertson then makes a computation to show that if Dr. Cook cut down his dog ration to twelve ounces at the start, and made fourteen killed dogs yield four hundred dog rations (Nansen's figures), he would have had enough food to last him through eighty-four days, and a little more. But the assumptions that lie at the base of this figuring cannot be granted. Dr. Cook did not cut his dog ration to twelve ounces at the start. On the contrary, he says he did not reduce it to twelve ounces until the 29th of May—the sixty-ninth day of his ice journey. He says, furthermore, that he used up "nearly half" his total food supply in the first three weeks; consequently, he had only a little more than half for the next nine weeks—or, if he made it last, as he says he did, until June 23, for the next ten weeks and a half. Dr. Cook's own statements stand in the way of any attempt to establish a parallel between his experience and that of Nansen. Besides that, Nansen had more sledges than Cook, more food, and more dogs, while, at the same time, he had one less man to feed, and consumed a larger quantity of dog-flesh. Nansen and Johansen, in order to maintain their bodily efficiency through eighty-four days of hard work, found it necessary to eat, and did eat, two and two-tenths pound of nourishing food per day. ("Farthest North," Vol. II, p. 149.) Cook's full daily ration, as described by himself, consisted of only "one pound of pemmican, with just a taste of other things." (Narrative, Part VI, New York Herald, September 25, 1909.) Nansen, moreover, in his journey out and back, covered only seven degrees of latitude, while Cook credits himself with nineteen.

The points that I tried to make in my article on "Arctic Work and Arctic Food" were that Dr. Cook's statements did not hang together; that his figures would not work out; and that he could not have stayed eighty-four days in the field under the food conditions that he described. None of the criticisms that I have received seem to me to invalidate these conclusions.

All of this discussion and controversy might have been avoided if Dr. Cook had turned over to Rector Torp and Professor Stromgren, in Copenhagen, the north

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polar diary that he superficially exhibited to reporters the next day after his arrival in New York. Instead of doing this, he kept his diary out of sight in Copenhagen, and told the Danish scientists, who believed and honored him, that he had sent his books and data directly to America from Greenland, and that he had no original observations with him. (Philip Gibbs in London Chronicle, September 7, 1909, and many other authorities.) He afterward gave the impression that he had left indispensable "data" with Mr. Whitney in Etah; and this he continued to do until Mr. Whitney came home and said that he knew nothing about such "data." (W. T. Stead in Review of Reviews, October, 1909, p. 314; New York Tribune, September 10, 1909; and many other papers.) Dr. Cook then fought off all American requests for proof by saying that the University of Copenhagen had the first claim; that there was no hurry, that it had "never been customary for explorers to make their full records public in such haste;" and that he would submit his proofs to the scientists in Denmark as soon as they should be "prepared." (New York Tribune, September 22, 1909, and many other papers.)

On the 20th of October, nearly seven weeks after Dr. Cook's arrival in Denmark, Rector Torp, of the University of Copenhagen, cabled nim in America as follows:

"When will you be able to send the original observations and instruments?"

Dr. Cook gave a copy of this cablegram to the reporters in Toledo, Ohio, and said to them: "My lecture course will be concluded at Minneapolis on Monday night. After that I will go East to *prepare the records*. I think the proofs will be ready for examination in two months, and possibly in half that time." (New York Sun, October 21, 1909. Italics are mine.—G. K.)

Now it seems to me that somebody should say something about this "preparation" of original records and observations; and, at the risk of being called "tom-cat," "coward," or "poltroon" by some of Dr. Cook's fiery partisans, I propose to undertake it.

What is an original record? It is the first record made of an event, and is generally contemporaneous with such event in date. When a bank closes its doors, makes up its balances, and puts away its books, its original records for that day are completed. In precisely the same way, when an explorer returns to the land at the end of a polar dash, makes his last observation and his last entry in his diary, his original records for that trip are finished. If, a year later, the bank is called upon by a court to produce its original records for that particular day, the cashier does not say that he is "preparing" them and will have them ready in a month or two; he submits the books as they stand, because he knows very well that he cannot "prepare" original records a year after they have been made. When Commander Peary was asked by the National Geographic Society to submit his original records to a committee of scientists, he sent them at once to Washington, and the committee has already examined them and made its report. When Dr. Cook was asked by Rector Torp to forward his original records and observations, he replied that he would "prepare" them at his earliest convenience, and would probably have them ready in a couple of months. In other words, it would take him from one to two months in the fall and winter of 1909 to "prepare" astronomical observations and journal entries that he made on the polar ice in the spring of 1908. No wonder Rector Torp said pathetically when he received this reply: "We cannot understand why Dr. Cook cannot send us, before two months have elapsed, the observations he made at the North Pole." (New York Times, October 16, 1909.) Dr. Cook's many admirers may think that Arctic explorers always make their astronomical observations and "prepare" their polar diaries after they get home and finish their lecture tours; but if they will glance through the pages of Nansen, Scott, and Shackleton, they will learn, perhaps, what "original records" are, and what may and may not be done with them.

But Dr. Cook himself seems to need a little instruction. When, on the 16th of October, he was asked by reporters in New York, "Do you not think that the production of your own diary of the ascent of Mount McKinley would go a long

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way toward refuting these charges that have arisen?" he replied: "No, I do not think so; the book does that, for it contains the complete record. The book is practically a reproduction of the diary, and the record is worked out better than in the diary, and contains more than does the diary."

"Doctor, don't you really think that the diary, being the original record of the trip, is better proof than the printed book?"

"No, I don't see that it is." (New York Times, October 16, 1909.)

If Dr. Cook has such views as these with regard to original records, there is reason to fear that the "prepared" data and observations which he may some time submit to the University of Copenhagen will be no better than cooked strawberries.

A THANKSGIVING OFFERING

BY CLINTON SCOLLARD

Lord, we who set the furrow deep,
And sow the seeds of industry,
For the rich guerdon that we reap
Give thanks to Thee!

Lord, we who make the anvils ring,
Who rive and weld laboriously,
For all the wage our labors bring
Give thanks to Thee!

Lord, we who watch the spindles ply,
The shuttles flying dizzily,
For every boon our efforts buy
Give thanks to Thee!

Lord, we who build with busy hand
Of wood or stone unceasingly,
For whatsoe'er our arts command
Give thanks to Thee!

Lord, we who delve in under-earth
Far from thy sunlight fair and free,
For whatsoe'er we win of worth
Give thanks to Thee!

Lord, we who hoist the straining sail,
And plow the green wastes of the sea,
For what our stormy tasks avail
Give thanks to Thee!

Lord, we the toilers of the brain,
Who clutch at dreams that cling or flee,
For whatsoever heights we gain
Give thanks to Thee!

Lord, we Thy children, small and great,
Beneath Thy care, where'er it be,
The while Thy grace we supplicate,
Give thanks to Thee!

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THE ENJOYMENT OF MUSIC

THE FEELINGS AROUSED BY MUSIC

BY DANIEL GREGORY MASON

THE object of this article is to point out some of the means by which music stirs up emotions within us—inspires those pervasive and general excitements which are the means by which classical music may be said to be *expressive.* It has often been pointed out by students of æsthetics that expression, in classical music, characteristically depends on these subjective excitements—that the hearer is by it first of all moved, stirred, aroused, and only secondarily led to think of any particular object or event. In modern realistic music, on the other hand, expression is more objective; the hearer is led to imagine a definite scene or story. This aspect of expression will be discussed in another article.

Every one must have noticed at concerts, during the performance of some march or other strongly rhythmic piece of music, the tendency of many of the audience to "keep time" with it, often leading to an amusingly general tapping of feet and bobbing of heads. And few of us have escaped the experience of suddenly realizing, at such a time, that our own feet and heads are taking part in this game, and that we are, moreover, strangely enjoying the sense of pleasant activity that ensues. Psychologists explain all this as an "inhibited tendency to imitate." The dance rhythm, they tell us, impels us to dance. Our instinct of propriety resists, we try to inhibit the suggested motions; but even though we suppress all bodily movements, or all but such slight ones as the foot-tapping and the head-bobbing, nevertheless our minds are filled with the delightful exhilaration we associate with actual dancing. Our minds dance, so to speak, even while our bodies maintain their sedentary dignity.

This example gives us a glimpse of the way in which music arouses our emotions, and shows how different it is from the way painting and sculpture make their appeal. A picture or a statue shows us something outside ourselves; we think first of this object—say a group of soldiers charging the enemy—and only gradually, as we think about it, come to us the feelings of activity, courage, and adventure which it suggests. Music shows us no such definite thing. A military march, for example, does not present a picture of some particular battle—Gettysburg or Bull Run. It works just the other way. It begins by churning up our feelings, plunging us without our knowing how or why into an energetic state of mind, working directly on us, the "subjects" or persons acted upon. This "subjective" excitement may then arouse definite ideas in our minds; but then ideas will come second, not first, as in the case of the picture. Music must always start by making us feel "queer inside." "The musician," says Wagner, "looks quite away from the incidents of ordinary life, . . . and sublimates whatever lies within it to its quintessence of emotional content—to which alone can music give a voice, and music only."

In order to understand how mere sounds can so powerfully stir us, we have only to consider how short a step it is with us from feelings to movements, and how closely feelings and movements are therefore associated in our minds. We can all remember how, as small children, we used to jump and clap our hands when we heard any good news. In the same way savages, who have in men's bodies the minds of small children, express joy by all manner of leaping and skipping and kicking. To dance, in short, is natural to us all in our moments of energy and expansiveness: it is only the fear of making fools of ourselves in public that keeps our feet glued to the earth and our arms decorously at our sides on a fine spring morning.

If vigorous bodily movements are thus

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the instinctive companions of happy energetic feelings, it is not hard to see how such movements, even if only suggested and not carried out, will arouse these feelings.

On the other hand, when we are sad we no longer make quick or energetic movements; our sorrow, which is a sort of weariness of the heart, makes all our motions heavy, slow, and unwilling. As a result, we connect in our minds such slow motions with sadness, just as we connect quick ones with joy; and music that suggests slow motions—a funeral march, for instance—plunges us at once into a mood of sadness.

Feelings of sorrow, however, express themselves not only, or even chiefly, in movements, but rather in moanings and wailings of the voice; and this brings us to another element in musical expression. Our moods of sadness probably find quite as natural an expression in groans and cries as our joys find in bodily motions: familiar examples are the bawling of very small babies, and the crooning and chanting of the funeral ceremonies of savages. It is a little harder to show how music suggests such cries than it is to show how it suggests motions. But we have most of us noticed, after hard listening to music which moved us deeply, a sense of aching fatigue in the muscles of the throat. This shows that song-like music gives us an impulse to sing, just as dance-like music makes us want to dance; in each case we tend to "imitate," to do just what the music is doing; we nip this tendency in the bud, but not before we have got the same *feelings* that we should have got by carrying it out.

Here is a summary of the argument to this point:

1. The expression of joy in music is due largely to its suggesting by strong accents the bodily motions we make when joyful, although

2. These motions are only suggested, not carried out.

3. The expression of sorrow in music is due largely to its suggesting by rising and falling tones the cries we make when sorrowful, although

4. These cries are only suggested, not actually uttered.

Looking now a little more closely at these two elements of expression, which we may call the Dance element and the Song element, we shall be surprised to see how close is the connection between what the music does and how it makes us feel. Great rapidity of movement, for instance, always agitates us—so much so that after a rushing *allegro vivace*, although we have been sitting quite sedately in our seats all through it, we sometimes feel quite breathless. Slow, even, stately movement gives us a sympathetic sense of deliberateness and solidity, or fills our minds with noble feelings. *Regular* motion, in which the tones are all the same length, marching on irresistibly, gives an impression of overwhelming power, as we see in some of the grand climaxes of Tschaikowsky's "Pathetic Symphony." The process of gradual going faster and faster, called the "accelerando," is always stimulating; the "ritardando" (a getting slower) is usually quieting and restful. It is interesting to notice, however, that sometimes a slowing of the motion is just the reverse of quieting, as, for instance, when at the end of a long climax the pace becomes more deliberate and majestic. This may be because such deliberateness suggests the calm energy with which we move when we are intensely in earnest.

Passing next to the song element in expression, we find that a general rule is this: The greater the effort that would be needed to produce a sound by our own voices, the more exciting to our feelings will be that sound, however it is produced. Accordingly, loud sounds are more exciting than soft, and high sounds are more exciting than low; for to sing loud requires more breath, and therefore more activity of the chest muscles, than to sing softly, and to sing high requires more tightly pulled vocal cords, and therefore more activity of the muscles that operate these cords, than to sing low. Increasing the volume of tone from soft to loud, called *crescendo*, is always stirring, and the *diminuendo*, or diminishing force, always quiets and calms the hearer's mind. As a usual thing, a climax is produced partly by the *crescendo* and partly by making the melody climb higher and higher, while the opposite of the climax, a "letting down," combines the *diminuendo* with melody going ever lower.

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Furthermore, a *sudden* rise or fall in pitch, in other words a leap, is more powerful in expression than a *gradual* rise or fall by steps. Melodies that go up and down along the scale line are not so striking as those in which there are wide jumps: they arouse in us quieter, more restrained feelings. One reason why "Dixie" has so much more "go" than "Yankee Doodle" is that the line of its melody is so much bolder. It would be interesting to make a collection of melodies from different composers, and see whether those with lively, active dispositions didn't use more large jumps than the more meditative, timid ones. Beethoven, who was a man of tremendous energy, makes many melodies of bold outline; and in our own day Richard Strauss's tunes are as full of jumps as a flea. The last kind of expression we need examine is that which depends upon the emotion-inspiring use of "consonance" and "dissonance," that is, of combinations of tones which are noticeably "smooth" or "rough" to the ear. The expressive function of dissonant, harsh, grating chords is an important one, especially in modern music.

Dissonances are expressive in two distinct ways. In the first place, since very strong dissonances really hurt our ears, we readily connect them in our minds with painful feelings and thoughts, and so they may give great eloquence to music that is sad or tragic. Our ears revel in them in certain moods as our hearts revel in sorrow. Thus Beethoven ends one of the great climaxes in his "Symphony Eroica" with these harsh chords:

FIGURE I.

Play them alone and they are merely disagreeable; but play them in their proper place in the agitated first movement of the symphony, and they are felt to hammer home the passionate mood of the music as nothing else could do.

In the second place, when dissonances come, not "out of a clear sky," so to speak, but as the inevitable result of the motions of two or more melodies going along together, then they may add greatly to the expressiveness of these melodies by throwing them into relief, somewhat as a difference of opinion between two friends throws light on both characters. Indeed, since the different melodies or "voices" in a piece of music (as they are called even when played on instruments) are, as it were, the people of the play, they cannot always get on smoothly together. Each tune is like a person, with its own habits and ways; and if several have to live together there are bound to be clashes at times—they will often "tread on each other's toes." These clashes are the dissonances, and if they are not too harsh they add greatly to the effect of the music, because they bring into clear relief the independence of the melodies, and emphasize by contrast the character—one might almost say the personality—of each. Sometimes such dissonances are only piquant and interesting; at other times they give a wonderful strength and rude force to the music. In Figure II are some dissonances of the piquant kind. The passage is from Bizet's orchestral suite, "L'Arlesienne." The two melodies played in the arrangement by the right hand are sung by two flutes; the accompaniment is given to the stringed instruments. It will be noted that while either of the two melodies, played alone, is perfectly harmonious with the accompaniment, the two played together make a harsh dissonance at the point marked *. Yet this dissonance is not only allowable, but delightful, because it brings out so clearly the differences in the two melodies. It is like a lovers' quarrel, that only lasts a moment, and makes the two lovers all the more devoted in the end.

When dissonances result from the irre-

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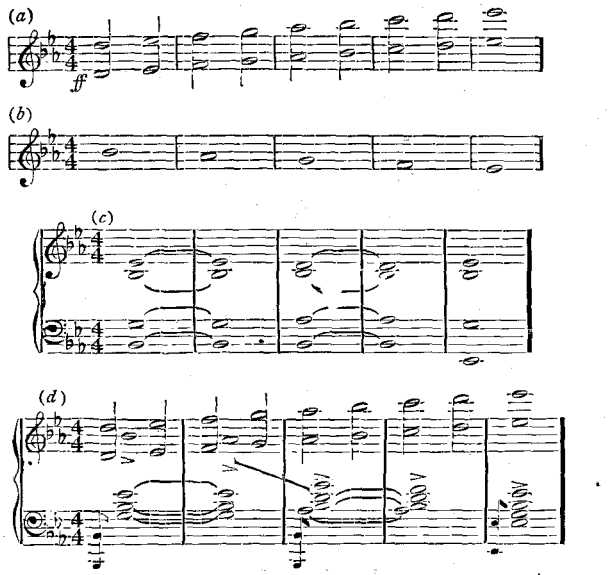
sistible onward movements of two or three voices, each minding its own business energetically, they sometimes make the music almost brutally strong. Such effects may be trying to the ear, but they are most stimulating to the mind. A single illustration, from one of the greatest of living composers, Richard Strauss, will make this clear. At the end of a magnificent climax in his "Ein Heldenleben" ("A Hero's Life") Strauss divides the orchestra into three parts: The violins, other's toes" at several points; second, that once your ear can follow the melodies, this very harshness makes them only more stirring, emphasizes the noble dignity of their movement, and gives the passage a matchless brilliancy and force. Thus does well-used dissonance intensify expression.

We have now studied some of the means by which music arouses sympathetic states of mind in us, through the interplay of quick and slow, loud and soft, high

FIGURE II.

FIGURE III.



violas, flutes, oboes, clarinets, and one trumpet take the vigorous rising scale shown at Figure III, (*a*); *at the same time* no less than eight French horns play loudly the falling scale shown at (*b*); and for a foundation to the whole the trombones and tubas play the chords at (*c*). Now, it is hard to play these all at once on the piano, but at (*d*) I have combined them as well as I could, and if you will play them you will notice two things: first, that the different melodies "step on each and low, harsh and smooth. These states of mind, we have seen, are not very definite; the sense of powerful life aroused by a march may suggest to one soldiers, to another mountain-climbing, to a third Abraham Lincoln; and critics have often lamented that music has to leave things so vague. But it is for this very reason that music is more powerful, that it moves us more deeply, than the other arts. Instead of working from the outside inward, as they do, it works from within outward; it

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is a subjective rather than an objective art; and it can set all our emotions a-boiling as it does just because it appeals to us directly, it forces us to throw ourselves into it, and to live and breathe and have our being in unison with it.

THE THANKSGIVING OF THE HILLS

BY ANNA L. DAWES

Let all that liveth praise the Lord.

Praise Him ye round Maples red in glory;
Praise Him ye Birches tall and white;
Praise Him ye Oaks strong and brown;
Praise Him ye Pines forever green,
ye great Pines towering unto Him;
Praise Him ye little Pines, lit candles of His altar;
Praise Him ye Elms lifting His glorious gates;
Praise Him ye yellow Poplars beaten with the breath of His coming;

Praise Him ye splendid Sumachs burning and unconsumed;
Praise Him all ye crimson Vines adorning His way;
Praise Him all ye Bushes small and shining bordering His path;
Praise Him all ye Blossoms beautiful unto His feet;
Praise Him all ye Dry Things whispering His finished work;
Praise Him ye late Green Things waiting His will;

Praise Him ye burrèd Chestnuts bearing nuts;
Praise Him ye painted Apples full of meat;
Praise Him ye golden-fleshèd Pumpkins,
and all ye joyous purple Grapes;

Praise Him ye Mountain-sides, woven curtains of His temple;
Praise Him ye brown Hills asleep in His peace;
Praise Him ye low-lying Swamps aflame with God;
Praise Him ye Fields bursting with corn;
Praise Him ye golden Woods dropping gladness;
Praise Him ye great Rocks gray and hoar;
Praise Him ye small Stones crumbling unto good earth;

Praise Him ye soft Air when His sun laughs;
Praise Him ye sharp Air when His frost bites;
Praise Him ye Sky clear in His sight;
Praise Him ye Sky hid under His breath;
Praise Him ye deep Clouds white with His hosts;
Praise Him ye light Clouds which flee from His winds;

Praise Him O ye Autumn which speaketh His word;
The Voice of His glory.
Let all that liveth praise the Lord,
The Lord God Almighty.

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IMPRESSIONS OF A CARELESS TRAVELER

THE GERMAN RAILWAYS

I HAD read in books and articles that the experiment of State-owned railways in Germany proved to the enterprising American the failure of that method; that they were slow, expensive, inconvenient, uncomfortable, and uncertain. I was curious to see what experience in a six weeks' tour would indicate. It is true that this experience was limited. We had no opportunity of comparing their advantages to the shippers as freight roads. Our travels were wholly in northern Germany and mostly on the great lines: from Hamburg to Hanover, from Hanover to Berlin, from Berlin to Dresden, from Dresden via Leipsic to Eisenach, from Eisenach via Cassel to Bremen. These are all trunk lines and all operate first-class express trains, and we traveled chiefly on express trains. My experience, therefore, does not enable me to compare the purely local roads of Germany with those of like character in America.

Slow, expensive, inconvenient, uncomfortable, and uncertain! I state our experience under each of these heads and leave the reader to make his own comparisons.

The average rate of speed on the express trains on these trunk lines in northern Germany is from thirty-seven to forty-five miles an hour, including stops. To be specific, the journey from Hanover to Berlin, 163 miles, is made in the express trains in three and a half hours; from Berlin to Dresden, 112 miles, in three hours. Our fastest train went a little over forty-five miles, our slowest train went a little over thirty-five.

Nearly all trains carry three, and some four classes of cars, and charge first, second, third, and fourth class fares. The first class corresponds to our Pullman, the second class to our ordinary coach; we have nothing except emigrant trains to compare with the third and fourth class. The fares for the second class, corresponding to our first class but not to our Pullman cars, range from two and a quarter to three cents a mile. They are therefore slightly higher than the fares in our North Atlantic States, and possibly a trifle higher than our railway fares average throughout the country. I made no attempt to compare fares on local roads in mountainous regions in the two countries—as those in the Black Forest or the Thuringian Forest in Germany with those in the Rocky Mountain region or the White Mountains in this country. The conditions are so different that there is no proper basis for a comparison. Roughly speaking, the average extra price for first class in Germany and Pullman in the United States I judge, from our limited experience, to be about the same—that is, about a cent a mile.

The stations in Germany are incomparably better than they are in the United States except in the great cities of the latter country. I do not think there are any stations in Germany better than the Pennsylvania station in Philadelphia or the South Union station in Boston or the Illinois Central station in Chicago. But there are no stations in Germany that are so inconvenient, uncomfortable, and inartistic as many of the passenger sheds in the smaller villages along the line of even our great trunk roads. There is, of course, reason for this. Our roads cover thousands of miles, the German roads but hundreds of miles. One of the longest railway rides in northern Germany is that from Cologne to Berlin, 366 miles; 1,000 miles for a single railway to traverse is not unusual in the United States. The German roads run through an old and thickly populated country, every foot of whose soil is carefully cultivated; the American roads often run for miles through a sparsely settled country, cultivated but poorly or not at all. We have had too much to do and too little to do it with to build adequate and permanent railway stations along the line of our pioneer railways. And it may be said, and with truth, that when the railway runs through

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a well-settled country and is an established and prosperous road, as is the case, for example, with the Pennsylvania Railroad and the Boston and Albany, the stations are often admirable, and the last ten years marks a steady improvement in them. But I am not here considering what our stations will be fifty years from now, nor what reasons there may be for their present unsatisfactory condition. I am only reporting actual conditions. And the actual conditions are that in northern Germany, on the lines on which we traveled, the stations which we passed in the smallest villages compared favorably with the best suburban stations on the Pennsylvania and the Boston and Albany Railroads in America. There appears to be always a double track, a platform at each side of the road, and a means of passing from one track to the other without crossing the track. I never saw, as I often see in America, an incoming train held up until the passengers from a standing train could get across the track to the station platform.

There were some conveniences in the stations which, it seems to me, we might adopt with advantage in America. It would probably be impracticable to secure here in the smaller stations porters to handle the smaller luggage, because, happily, our wages are too high and our workingmen too well employed. But this presence of porters almost everywhere is a convenience well worth the small sum it costs the traveler in tips. In all the larger stations are hung two kinds of railway cards. One, a large wall table on which are marked the leaving time of all trains, and the track each train leaves on (at least all important trains), with the different character of the trains—express or accommodation—indicated by the colored ink in which the train is printed. And these tables, or posters, are so large that one may stand off from the wall and read them with ease. There is also a series of cards, framed in a rotary stand, something like those which contain photographs in an art gallery. These cards record the price of railway tickets to every point which can be reached by train from the station in which the cards are hung. One may therefore see for himself, by looking at the one card, when his train goes, and, by looking at the other card, what he must pay for his ticket. And on the ticket the price is printed, so that there can be no question in his mind as to whether he has paid the right amount. On the other hand, there are no time-tables given out at the ticket office, as with us. If one wants a time-table to consult in the train, he must buy a railway guide. But these are everywhere to be had and are not expensive. The sign over each track gate, marking the gate which the traveler is to enter for his train, is a device common to the larger stations in both countries. Our best railways in the large cities are beginning to adopt the German cab system, but it is not yet as perfectly developed. As you come to the entrance of the station an officer hands you a ticket on which is the number of your cab. The porter calls the designated driver, and his cab is generally a taxicab, which records for you, when you reach your destination, the distance you have traveled and the price you have to pay. On the whole, I should say that, in convenience, the German railways surpass the average American railway, though they are surpassed by a few of the very best of our trains.

Which is more comfortable, the German or the American railway train? The answer to that question will largely depend on the temperament of the one who answers it. The German car is arranged in compartments, somewhat analogous to the smoking compartment in a Pullman car; in these compartments the passengers sit facing each other. In the first-class car there are seats for three on each sofa, the sofa, however, being divided into separate seats by arms; in the second-class compartments there are seats for four. This is practically all the difference in comfort between the two cars. In cleanliness the German second-class coach is decidedly superior to the average day coach in our American express trains; in ventilation a great deal depends on the character and inclination of the passengers who happen to occupy the compartment. If a party of three or four are traveling together and can get, as they usually can, seats together in the same compartment, the German car is to me very attractive. If I am traveling alone, I would as soon take my chance in an American coach,

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and much sooner have a Pullman seat in a parlor car. When a party of German picnickers get out their lunch-baskets and take to beer and sausages, the necessity of being a reluctant observer but not participator in their unattractive meal is not agreeable. This, however, did not occur in our travels, and, I am inclined to think, is a rare occurrence in either a first or second class compartment. Speaking generally, I should say that he who likes to see what is going on in the car and to watch the groups of passengers and study their character, and does not object to have others watch him, will prefer the American coach. He who has not this habit, who neither desires to observe nor to be observed, will prefer the German car.

In two respects railway travel in Germany is decidedly more comfortable than in America. In the corridor trains—that is, the trains in which there is an entry or corridor running along one side of the car upon which the compartments open—as soon as the train starts the conductor appears and gives you a ticket for your seat, which then belongs to you for the rest of the journey, as much as a Pullman seat in a parlor car; and this is equally true in both the first and the second class compartments. For tickets on these corridor trains you pay a supplementary fare of from twenty-five to fifty cents per passenger. The conductor is almost immediately followed by the dining-car conductor, who asks you if you wish for dinner, and at what hour. He then gives you a ticket which entitles you to a seat in the dining-car at the hour designated. And when that hour comes, you go to the car, to find your table waiting for you. You have not to rush in a pellmell of eager passengers to get a seat, nor to stand in line waiting for earlier comers to be served, nor, if you are yourself an earlier comer, to eat your dinner with the uncomfortable consciousness that others are waiting in line impatient for you to get through.

As to uncertainty—in our six weeks in Germany I never knew of a train being seriously late, and I did not hear of any accident. And besides our own traveling experience we had occasion to watch for two or three days the arriving trains in order to meet an expected friend coming from a distant point in Switzerland. My home is on the west shore of the Hudson River. In the first two weeks after my arrival at home our passenger trains on the West Shore Railroad, operated by the New York Central, one of the greatest of our American railway systems, were on three different occasions delayed from two to four hours by the breaking down of freight trains.

One fact should be noted and one incident narrated to complete this parallel between the American and the German railways. No baggage is carried free in North Germany, except such hand-baggage as you can take with you in the compartment. All trunks are weighed and paid for according to weight. Passengers traveling with baggage must add this cost for baggage to their estimate of traveling expenses. I kept no cash account, but my estimate is that our baggage added about half a cent a mile for our two steamer trunks. There are, so far as I know, no express companies in Germany; but baggage can be sent by fast freight. In two cases I left our trunks at the hotel when we departed from one city, and found them in our hotel in the other city on our arrival. They traveled nearly as fast as we did, and our freight bill was certainly no more than express charges would have been in the United States; I think it was less.

I have here endeavored to give the reader the facts as we observed and experienced them in a six weeks' sojourn in North Germany, leaving him to draw his own deductions. But he is, perhaps, entitled to mine, which are: Safety on German railways is greater; the traveler is much more certain to reach his destination at the appointed time; the speed is about the same, the expense slightly more.

L. A.

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IS THE FEDERAL CORPORATION TAX CONSTITUTIONAL?

BY CHARLES W. PIERSON

OF THE NEW YORK BAR

[Editorial comment on this question will be found on another page]

THE most noteworthy enactment of the last session of Congress from a legal point of view, to say nothing of its economic and political significance, was the Corporation Tax Act. That Act, forming Section 38 of the new Tariff Law, provides—

> that every corporation . . . organized for profit and having a capital stock represented by shares . . . shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such corporation . . . equivalent to one per centum upon the entire net income over and above Five thousand dollars received by it from all sources, etc.

The Act goes on to require the corporations to make periodical reports concerning their business and affairs, and confers on the Commissioner of Internal Revenue a visitorial power to examine and compel further returns.

The genesis of the Act is interesting. The growing demand for more efficient regulation of the corporations, so pronounced during President Roosevelt's Administration, had foreshadowed such legislation. It remained, however, for President Taft to take the initiative and mold the shape which the legislation was to take.

In the course of the Senate debate on the new Tariff Act it had become apparent that an influential party in Congress, backed by strong sympathy outside, was bent upon passing a general income tax act. The previous Income Tax Law had been pronounced unconstitutional by the Supreme Court as violating the provision of the Constitution that all direct taxes must be apportioned among the States in proportion to population.[1] That decision, however, had been by a bare majority of five to four. It had overruled previous decisions and overturned doctrines that had been acquiesced in almost from the foundation of the Government. A strong party was in favor of enacting another Income Tax Law, and bringing the question again before the Court in the hope that the Court, as now constituted, might be induced to overrule or materially modify the doctrine of the Pollock case. The President and his advisers viewed such a proposal with disfavor. To their minds the proper way to establish the right of Congress to levy an income tax was by an amendment to the Constitution, not by an assault upon the Supreme Court. Accordingly, on June 16, 1909, the President transmitted a message to Congress[1] recommending a Constitutional amendment, and proposing, in order to meet the present need for more revenue, an excise tax on corporations. The proposal, coupled as it was with a suggestion that such an Act might be made to serve for purposes of Federal supervision and control as well as revenue, met with favor and was enacted into law.

President Taft, himself an eminent Constitutional lawyer, in his Message recommending the law expressed full confidence in its constitutionality. The same view was taken by able lawyers who surrounded him in the capacity of advisers. The Act is understood to have been drafted by Mr. Wickersham, the Attorney-General, and vouched for by Senator Elihu Root and others of scarcely less authority in the domain of Constitutional law.

Against opinions from such sources one takes the field with diffidence. Until the Supreme Court has spoken, however, the question is open for debate, and I purpose in this paper to outline briefly some reasons for doubting the constitutionality of the Act.

At the outset it is essential to determine the exact nature of the tax. Obviously it is not a tax upon income *as income*. If it were, it would be obnoxious

[1] Pollock vs. Farmer's Loan and Trust Co., 157 U. S., 429.

[1] Congressional Record, June 16, 1909, p. 3450.

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to the decision in the Pollock case as imposing a direct tax without apportionment among the States. The language of the Act, as well as the declarations of its sponsors, clearly indicate that it is intended, not as a direct tax on property, but as an excise tax on privilege. The phraseology of the Act itself is—"A special excise tax with respect to the carrying on or doing business by such corporation," etc. Undoubtedly Congress has power to impose an excise tax upon occupation or business. This was expressly decided in the case of the businesses of refining petroleum and refining sugar, by the Spreckels case,[1] referred to in President Taft's Message. The Message says:

> The decision of the Supreme Court in the case of Spreckels Sugar Refining Company against McClain (192 U. S., 397) seems clearly to establish the principle that such a tax as this is an excise tax upon privilege and not a direct tax on property, and is within the federal power without apportionment according to population.

What, then, is the privilege with respect to which the tax is imposed? Is it, like the tax involved in the Spreckels case, the privilege of doing the various kinds of business (manufacturing, mercantile, and the rest) in which the corporations subject to the operation of the law are engaged? Obviously not. No kind or kinds of business are specified in the Act. The tax falls not only on corporations doing every conceivable kind of business, but also on the corporation that does no specific business whatever—the corporation which, in the language of an eminent judge, is merely "an incorporated gentleman of leisure."[2] Moreover, if the tax were merely upon the privilege of doing business, it would seem to be obnoxious to the Constitutional requirement that all excises must be uniform.[3] In other words, if the privilege of doing a business—say conducting a department store—were the thing taxed and the only thing taxed, the rule of uniformity would seem to require that a corporation and a copartnership conducting similar stores on opposite corners of the street should both be taxed.

[1] Spreckels Sugar Refining Co. vs. McClain, 192 U. S., 397.
[2] Vann, J., in People ex rel. vs. Roberts, 154 N. Y., 1.
[3] Constitution, Art. I, Section 8.

Nothing inconsistent with this view will be found in the Spreckels case. The party to that suit was, to be sure, a corporation, but the Act under which the tax was imposed applied to individuals, firms, and corporations alike.

It must be concluded, therefore, that the tax is not upon the privilege of doing the businesses in which the various corporations in the land are engaged, but is rather *a tax upon the privilege of doing business in a corporate capacity*, or, in other words, upon the exercise of the corporate franchise. That this is so appears very clearly from the Message of President Taft. He says:

> This is an excise tax upon the privilege of doing business as an artificial entity and of freedom from a general partnership liability enjoyed by those who own the stock.

Assuming, then, that this is the real nature of the tax, is it Constitutional?

Unquestionably Congress may tax corporations organized under Federal laws upon their franchises; any sovereignty may tax the creatures of its creation for the privilege of exercising their franchises; but how about corporations chartered by the States and doing purely an intra-State business? A State confers on John Doe and his associates the privilege or franchise of doing business in a corporate capacity. Can Congress impose a tax on the exercise of that privilege or franchise? The power to tax involves the power to destroy.[1] If Congress can impose a tax of one per cent, it can impose a tax of ten per cent or fifty per cent, and thus impair or destroy altogether the value of corporate charters for business purposes. Does Congress possess such a power? The Constitution puts no express limitation on the right of Congress to levy excises except that they shall be "uniform throughout the United States." But there are certain implied limitations inherent in our dual system of government. The sovereignty and independence of the separate States within their spheres are as complete as are the sovereignty and independence of the General Government within its sphere.[2] Neither may interfere with or encroach upon the other. To

[1] McCulloch vs. Maryland, 4 Wheaton, 316.
[2] The Collector vs. Day, 11 Wall., 113, 124.

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quote a high authority on Constitutional law:

> There is nothing in the Constitution which can be made to admit of any interference by Congress with the secure existence of any State authority within its lawful bounds. And any such interference by the indirect means of taxation is quite as much beyond the power of the National Legislature as if the interference were direct and extreme.[1]

The right to grant corporate charters for ordinary business purposes is an attribute of sovereignty belonging to the States, not to the General Government. The United States is a Government of enumerated powers. The Constitution nowhere expressly confers upon Congress the right to grant corporate charters, and it is well settled that this right exists only in the limited class of cases where the granting of charters becomes incidental to some power expressly conferred on Congress, *e. g.*, the power to establish a uniform currency, or the power to regulate inter-State commerce. On the other hand, the right of the separate States to grant charters of incorporation is unquestionable. By the Tenth Amendment of the Constitution it is expressly provided: "The powers not delegated to the United States by the Constitution nor prohibited by it to the States are reserved to the States respectively or to the people." The Supreme Court long ago said: "A State may grant acts of incorporation for the attainment of those objects which are essential to the interests of society. *This power is incident to sovereignty.*"[2]

The power to grant the franchise of corporate capacity being therefore inherent in the sovereignty of the States, will not a tax imposed by Congress upon the exercise of the franchise constitute an interference with the power? If so, the tax is unconstitutional.

The Supreme Court has said, and many times repeated in substance, that the National Government "cannot exercise its power of taxation so as to destroy the State governments or embarrass their lawful action."[3] In the case of California vs. Central Pacific Railroad Company[4] the question was whether franchises granted to the Central Pacific Railroad Company by the United States were legitimate subjects of taxation by the State of California. The Supreme Court, in language frequently quoted in subsequent cases, discusses the nature and origin of franchises, concluding that a franchise is "a right, privilege or power of public concern" existing and exercised by legislative authority. After enumerating various kinds of franchises, the Court remarks: "No persons can make themselves a body corporate and politic without legislative authority. Corporate capacity is a franchise." The Court continues: "In view of this description of the nature of a franchise, how can it be possible that a franchise granted by Congress can be subject to taxation by a State without the consent of Congress? Taxation is a burden, and may be laid so heavily as to destroy the thing taxed, or render it valueless. As Chief Justice Marshall said in McCulloch v. Maryland, 'The power to tax involves the power to destroy.' . . . It seems to us almost absurd to contend that a power given to a person or corporation by the United States may be subjected to taxation by a State. The power conferred emanates from, and is a portion of, the power of the government that confers it. To tax it is not only derogatory to the dignity, but subversive of the powers of the government, and repugnant to its paramount sovereignty."

It is true that the Court was here discussing the right of a State to tax franchises granted by the United States, and not the converse of that question. The reasoning of the Court would seem, however, to apply with equal force to the right of the United States to tax a franchise granted by a State acting within the scope of its sovereign authority.

Patent rights and copyrights are special privileges or franchises granted by the sovereign or government, and under the United States Constitution the right to grant patents and copyrights is expressly conferred on Congress. It has been held repeatedly that patent rights and copyrights are not taxable by the States.[1] As said by the New York Court of Appeals in a case involving the power of the State

[1] Cooley, Constitutional Limitations, 7th Ed. p. 684.
[2] Briscoe vs. Bank of Kentucky, 11 Peters, 257, 317.
[3] Railroad Company vs. Peniston, 18 Wall., 5, 30.
[4] 127 U. S., 1.

[1] People ex rel. Edison, &c. Co. vs. Assessors, 156 N. Y., 417; People ex rel. vs. Roberts, 159 N. Y., 70; In Re Sheffield, 64 Fed. Rep. 833; Commonwealth vs. Westinghouse &c. Co., 151 Pa., 265.

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to tax copyrights:[1] "To concede a right to tax them would be to concede a power to impede or burden the operation of the laws enacted by Congress to carry into execution a power vested in the National Government by the Constitution." Apparently the same rule would be applicable were the granting of patent rights, like the granting of ordinary corporate franchises, a prerogative reserved under our system of government to the States instead of being expressly conferred on the United States. By parity of reasoning, the Federal Government in that case would have no power to tax them.

It is familiar law, reiterated over and over again by the Supreme Court, that Congress cannot tax the means or instrumentalities employed by the States in exercising their powers and functions, any more than a State can tax the instrumentalities similarly employed by the General Government. Thus, it has been held that Congress cannot tax a municipal corporation (being a portion of the sovereign power of the State) upon its municipal revenues;[2] that Congress cannot impose a tax upon the salary of a judicial officer of a State;[3] that Congress cannot tax a bond given in pursuance of a State law to secure a liquor license.[4]

In the light of these decisions it is not apparent how Congress can tax the franchise of those State corporations (and they are many and important) which perform some public or quasi-public function. A State, to carry out its purposes of internal improvement, charters an intra-State railway or ferry company with power to charge tolls and exercise the right of eminent domain. Is not the grant of corporate existence and privileges to such a corporation one of the means or instrumentalities employed by the State for carrying out its legitimate functions, and is not a tax by the Federal Government upon the exercise by such a corporation of its corporate powers an interference with such means or instrumentalities?

In any discussion of the right of Congress to tax the agencies of or franchises granted by a State, the distinction must be borne in mind between a tax upon *property* acquired by means of the franchise from the State and a tax upon the exercise of the franchise itself. The former tax may be perfectly valid where the latter would be unconstitutional. Thus, the Supreme Court has upheld a tax by a State upon the real and personal property (as distinct from the franchises) of a railway company chartered by Congress for private gain, while conceding that the State could not tax the franchises, because to do so would be a direct obstruction to Federal powers.[1]

It remains to notice briefly one or two Supreme Court decisions which are relied upon by the sponsors of the new tax law. Reference has already been made to the decision in the Spreckels case,[2] which upheld the validity of the tax imposed by the War Revenue Act of 1898 upon the gross receipts of corporations engaged in the businesses of refining petroleum and refining sugar. The Court held the tax to be an excise tax "in respect of the carrying on or doing the business of refining sugar," and such it obviously was. It was not a tax upon the privilege or franchise of doing business in a corporate capacity, like the tax now under debate. On the contrary, the act expressly applied to "every person, firm, corporation, or company carrying on or doing the business of refining sugar, . . . etc." The case, therefore, has no bearing on the point we are discussing. Had the act applied only to corporations, a different question would have been involved.

The famous case of Veazie Bank vs. Fenno,[3] upholding the statute which taxed out of existence the circulation of the State banks, has frequently been cited as an authority sustaining the right of Congress to levy a tax upon a franchise or privilege granted by a State. It is true that in that case the eminent counsel for the bank (Messrs. Reverdy Johnson and Caleb Cushing) argued unsuccessfully "that the act imposing the tax impaired a franchise granted by the State, and that Congress had no power to pass any law which could do that;"[4] and that two justices dissented on that ground.

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[1] 159 N. Y., p. 75.
[2] United States vs. Railroad Co., 17 Wall., 322.
[3] Collector vs. Day, 11 Wall., 113.
[4] Ambrosini vs. United States, 187 U. S., 1.

[1] Union Pacific R. R. Co. vs. Peniston, 18 Wall., 5.
[2] Spreckels Sugar Refining Co. vs. McClain, 192 U. S., 397.
[3] 8 Wall., 533.
[4] See 8 Wall., p. 535.

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The conclusive answer to this argument was, however, that the power of the States to grant the particular right or privilege in question was subordinate to powers expressly conferred on Congress by the Constitution; that Congress was given power under the Constitution to provide a currency for the whole country, and the Act in question was legislation appropriate to that end. The case does not hold that Congress has any general power to tax franchises or privileges granted by a State.

The scope of this paper does not admit of further reference to the decisions. It is confidently asserted, however, that none of them, rightly construed, will be found to sustain the right of the General Government to impose a tax upon the exercise of franchises granted by a State in the exercise of its independent sovereignty, and that such a decision would mark a new departure in our jurisprudence.

In the debates in Congress over the bill many good lawyers appear to have assumed, somewhat too hastily, that the tax in question was an excise tax on business or occupation like that involved in the Spreckels case, and that the only Constitutional question, therefore, was one of classification under the provision of the Constitution that excises shall be uniform throughout the United States. No less eminent a Constitutional lawyer than Senator Bailey, of Texas, in a colloquy with the junior Senator from New York, put the matter thus:[1]

Mr. Root. May I ask the Senator from Texas if I am right in inferring from the statement which he has just made that he does not seriously question the Constitutional power of the Congress to impose this tax on corporations?

Mr. Bailey. Mr. President, I answer the Senator frankly that I do not. . . . I think the rule was and is that Congress can levy any tax it pleases except an export tax. Of course a direct tax must be apportioned and an indirect tax must be uniform. But the uniformity rule simply requires that wherever the subject of taxation is found, the tax shall operate equally upon it.

I believe that Congress can tax all red-headed men engaged in a given line of business if it pleases. . . . I have no doubt if the tax fell upon every red-headed man in Massachusetts the same as in Mississippi or Texas and all other States, the law imposing such a tax would be perfectly valid.

The difficulty with this reasoning is that it overlooks the fact that the privilege of being red-headed is not a franchise granted by a sovereign State. From the view-point of Constitutional law it may well be that Congress can tax a privilege conferred by the gods where it would be powerless to tax a franchise granted by the Legislature of New Jersey.

THE NEW BOOKS

A new and most accomplished burglar has appeared above the horizon of fiction. This time he is a supernaturally endowed Frenchman of elegant manners, fascinating presence, and unsurpassed powers of deceit. This young gentleman, whose name is "Arsène Lupin," is the hero of Mr. Jepson's novelization of Leblanc's drama. The story is one over which no part of a man can go to sleep except his sense of reality. It is most entertaining, lively, and unexpected; a book of the moment, but a very clever one. (Doubleday, Page & Co., New York. $1.50.)

A remarkably clever novel in its happy and subtle touching-off to the life of personal traits and social side-lights is Miss E. B. Dewing's "Other People's Houses." Her men and women are mirrors to one another's weaknesses and peculiarities, and in their verbal sword-play sparks of wit and flashes of light are common, while the author's own perception of social psychology is keen and is often expressed with humor. One does not expect plot in such a story, but *situation* we should have, and it is here that the story is unsatisfactory. The situation does not develop or cumulate to a tense point early enough, and is decidedly trying when it does appear. (The Macmillan Company, New York. $1.50.)

Mr. Robert Hichens has never put more careful literary art-work into any of his novels than one finds in "Bella Donna." The scene shifts from London to the Nile near Cairo, and then to a district farther up the Nile. In all that goes to the rendering of Egyptian color, atmosphere, and association Mr. Hichens writes as an artist paints—

[1] Congressional Record for July 6, 1909, pp. 4251 to 4252.

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that is, he almost visualizes. In his elaborate dissection of a worthless woman's character he shows astonishing minuteness of study. But when one ends the tale, the question inevitably rises, Was it really worth while to expend such skill, knowledge, and care in tracing the involutions of a creature who is totally without moral sense—one who is both bella donna and belladonna—beautiful woman and deadly poison? (The J. B. Lippincott Company, Philadelphia. $1.50.)

Last year The Outlook's Spectator humorously protested against the flood of Christmas calendars which had invaded his home. One result was that the Spectator received urgent appeals from various parts of the country for all the surplus calendar product beyond his need. In point of fact, the Christmas calendar has come to stay, and the publishers' real problem is how to make it "different." This has been done quite pleasantly in the "Story Calendars" dealing with Washington, Franklin, Lincoln, and Dickens. The Lincoln Calendar, for instance, has a separate sheet for each week of the year, and each sheet, in addition to the calendar proper and some illustration and decoration, has the narrative of one or more episodes in Lincoln's life, all arranged so as to form a sort of story history. So with the Washington and Franklin calendars, while that for Dickens contains selected passages, not mere brief quotations. The idea seems to us interesting as well as novel, and we have no doubt that all these calendars will be in demand for the holiday season. (The Franklin Printing Company, Philadelphia. $1 each.)

Recently The Outlook published two articles on psychotherapy (the modern name for "mind cure") by Mr. H. Addington Bruce. They told the story of mental healing as it has developed from the time of Mesmer to the spread of Christian Science. That this subject is one in which many people are interested is indicated by the fact that within a few months there have been published several books which treat either of mental healing as a whole or some aspect of it. In view of Mr. Bruce's articles, it is not necessary to give here a résumé of the movement of which these books treat. Some of these books are not of themselves important; but together they are significant of a widespread and modern dread of pain coupled with a reaction against materialism. Of these books perhaps the most important is Professor Hugo Münsterberg's "Psychotherapy" (Moffat, Yard & Co., $2). As not only a psychologist, but also a graduate in medicine and a constant practitioner of "hypnotism" in cases of certain disorders that have a psychological interest, Professor Münsterberg writes from an intimate and practical knowledge of the subject. His clear style enables him to convey to the lay reader ideas which many writers would make obscure by technicalities. He shows how different in process is the moral encouragement imparted by the clergyman and the treatment applied by the physician. The point of view of the minister is purposive—and that is fundamental; the point of view of the physician—at least in his methods of treatment—is causal. Professor Münsterberg makes it evident that there is danger in undertaking mental therapeutics in accordance with the purposive rather than the causal view. He concludes, therefore, that although clergymen first saw what the physician ought to have seen—namely, the open door of psychotherapy—the physician ought to take it in hand, and call upon the clergyman only for what the clergyman alone can supply. It is this distinction between the functions of the two that characterizes this book throughout, and that ought to clarify the minds of those in both professions who are thinking vaguely on the subject. "Mental Medicine," by Oliver Huckel (Thomas G. Crowell & Co., $1), is a series of chapters on psychotherapy from the point of view of a minister. The book originated in five conferences with students at the Johns Hopkins Medical School. "Body and Soul," by Percy Dearmer, M.A. (E. P. Dutton & Co., $1.50), is a study of the subject as a religious movement; it undertakes to interpret the miracles of healing in the New Testament, mediæval traditions of healing, and faith healing of modern times; and it presents the whole movement as a manifestation in the body of the same power that overcomes sin. "New Ideals in Healing," by Ray Stannard Baker (Frederick A. Stokes Company, 85c.), is a record of observation by a journalist who first recorded his impressions in The American Magazine. Although the second half of this volume is devoted to the consideration that is given to the individual circumstances and the social environment of the patient in the Social Service Department of the Massachusetts General Hospital, the first part is devoted to that form of psychotherapy that is known as the Emmanuel Movement. All three of these last-named books are open to the same criticism; they use psychological terms without careful discrimination. There is a real danger that readers of such books will accept such a phrase as "the subconscious mind" as representing at once an established fact and a sort of magical power.

Here ought to be mentioned Dr. Richard C. Cabot's "Social Service and the Art of Healing" (Moffat, Yard & Co., $1). Dr. Cabot is the head of the Social Service Department of the Massachusetts General Hospital. His book treats only in one part of mental therapeutics. That is the part in which he describes the "team work" that is needed and practicable between the doctor on the one side and the minister, educator, and psychologist on the other. In the other parts he writes of the doctor's co-operation with the social worker in affecting social conditions, and with the patient in the interest of truth and sound knowledge about health. Dr. Cabot knows how to put things so that the layman will

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read what he writes. The Rev. Lyman P. Powell tells in "The Emmanuel Movement in a New England Town" (G. P. Putnam's Sons, $1.25) his experience in a year's experiments with mental therapeutics. He frankly emphasizes the point that the Emmanuel Movement is an attempt to do by suggestion what Christian Scentists claim they do by a totally different process, and thus to keep religious therapy from becoming exclusively a mark of sectarianism. One is not persuaded by this book that healing, even of the mental sort, is likely to be successful in the hands of ministers.

The remaining three books in this group deal chiefly with Christian Science. "Mesmerism and Christian Science," by Frank Podmore (George W. Jacobs & Co., $1.50) is a survey of mental healing as an outgrowth of the teachings of the charlatan Friedrich Anton Mesmer. It traces, as it were, the mental genealogy of the brood that includes Spiritualism, Theosophy, New Thought, and Christian Science. (Mr. Podmore, by the way, insists on writing McLure's Magazine when he means McClure's.) In "Christian Science in the Light of Holy Scripture" (Fleming H. Revell Company, $1.50) the Rev. J. M. Haldeman attacks Christian Science with the weapons of the literalist. Against the proof-text of the Christian Scientist he matches proof-texts from the Bible. Finally, the author of "Confessio Medici" puts his keen mind to work on "Faith and Works of Christian Science" (The Macmillan Company, $1.25). First he examines what purports to be the philosophy of Christian Science; and then he examines the testimonies of "healing." He does not spare Christian Science. He knows philosophy and the meaning of philosophical terms, and he is relentless in showing the vagueness and contradiction in the Christian Science terminology. He knows what is involved in diagnosis, and he is relentless in showing up the vagueness in the testimonies regarding diseases supposed to have been cured by Christian Science. When he writes "Her God, the Supreme Being of Christian Science, is the God of Being Supremely Comfortable," he is not merely employing wit; he is drawing a conclusion. When he writes, "Christian Science, with her gross doctrine that Life is God, denies the reality *of* the body and localizes reality *in* the body, as if reality were a sort of juice," he does not merely entertain the reader; he illuminates by a phrase what he has been discussing as to the meaning of the word "reality" and its lack of meaning in the Christian Science vocabulary. Is there not justification for treating Christian Science as a public enemy when its teachings permit a woman to leave her child who has fallen from a window and lies bleeding at the mouth and partly paralyzed, and go away rejoicing greatly in her "freedom from the sense of personal responsibility"? When mental therapeutics take this form, it is time for society to call a halt.

By the publication of "A Children's Book of Art" (Macmillan, $2) Sir Martin Conway and his daughter have done a real service both to the world of art and to the world of children. Like Miss Hurll's series of monographs for young people, this book emphasizes, and in even broader lines, what artists in any age have meant to the world, namely, that they are "people who, by nature and education, have acquired the power to see beauty in what they look at and then to set it down on paper or canvas or in some other material so that other people can see it too. Then, in any department of art, painting, for instance, "grown-ups" as well as children should be reminded of what new worlds the artists have opened, from the days of the Middle Ages, when men had to paint on wooden panels, which they themselves had to make, plane, and cut to the size they needed, down to the time when, on more sympathetic material, Claude Lorraine's and Turner's sunsets made plenty of people, perhaps for the first time in their lives, look at those sunsets understandingly and rejoice in the intricacy and splendor of their glory. Coming to very modern times, we are glad that Sir Martin indorses the present "atmospheric" or "impressionistic" school in its emphasis of the beauty of the atmosphere, for, even in recent times, few seem to have noticed just how atmosphere affects every object seen through it. Nowadays the world has the opportunity to note the effect of atmosphere in certain recent and very wonderful pictures painted by the artists of this school. Hence men and women hitherto unobservant are beginning to be able to see atmosphere for themselves in nature. A group of new pleasures is being opened to them. In this connection a desirable source of information is Professor Cady Eaton's "Handbook of Modern French Painting" (Dodd, Mead & Co., $2), for one of its most interesting features is its account of this very "atmospheric" school. We learn, for instance, that Monet painted seventeen views of Rouen cathedral, taken from sunrise to sunset, in which nothing but the towers is introduced—"nothing but the gray stone worn by time, darkened by centuries; no running water or waving foliage is added to aid the play of light." Yet with such a subject Monet reproduced a series of marvelously brilliant effects; "the pale rose of morning, the shining violet of midday, the golden purple of sunset, are given with thousands of reflected and compounded tones. When the mists of evening arise, the colossal structure shines through the increasing darkness with all the splendor of an Eastern carpet, each detail of its architectural sculpture superbly respondent with truth and power." Every such description is grateful to the student of contemporary art, and especially to the student of atmosphere and "impressionism," a word derived from Monet's sunset picture entitled "Impressions" exhibited in the Paris Salon of 1867. The date 1867 reminds one of men who were

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exhibiting at that time, and Professor Eaton's list includes interesting biographies of them, and of earlier painters back to Watteau's time. The volume is valuable for any one who intends to have a practical knowledge of modern French art or even intends to "do" intelligently the Louvre, Luxembourg, or any picture gallery containing the works of modern French painters.

Practical preparation for practical problems needs to be aimed at in the divinity school as it is in the schools of law and medicine. Some theological seminaries are, in consequence, modifying the old curriculum. It is now more clearly recognized than formerly that the divinity student must address himself to the whole man, to the whole of his life, social and political, as well as private and personal; physical, industrial, and economic, as well as moral and spiritual. He must know its actual conditions if he is to be efficient for their betterment, and a good beginning of such knowledge before he goes forth to meet them is essential. A year ago The Outlook told how such preparation had already been undertaken at Yale—as it has been in other seminaries where the contiguity of a great university favored the undertaking. How the announced design "to fit and inspire the student to meet every emergency of ministerial life on the practical side from the point of view of the active ministry" has been carried out, a volume on "The Christian Ministry and the Social Order," from the Yale University Press (New Haven), disposes one to judge quite favorably. In these lectures on pastoral functions men of experience and success in their several lines deal with the distinctive problems presented in manufacturing towns, in rural communities, and among people of foreign speech; also with the pastor's opportunity for civic betterment, his relation to industrial organizations, and other special interests. Such subjects were presented in concrete examples of principles applied to actual cases—as in the case system of teaching in the law schools. While the printed lectures must, therefore, doubtless lack somewhat in fullness of illustration, they illuminate their field. Their publication is a serviceable extension of the opportunities now offered in divinity schools of the progressive type to pastors in earnest to adapt their ministry more efficiently to the practical problems confronting them.

PUBLIC OPINION

MINERVA UP TO DATE

The interest attaching to the problem of the colleges receives a well-directed impulse from the volume of Mr. Birdseye, to which The Outlook gave a favorable notice (May 22, 1909); and it appears that the impulse is to have practical issue in the formation of an Association [as reported in The Outlook for July 24] to advocate, and, by some means not specified, to bring pressure to bear upon the colleges to adopt, the reforms proposed. Mr. Birdseye presents a number of minor texts on which goodly sermons might be preached for many a season. But his major text remains this: That the colleges must follow the spirit of the American method and be inoculated with the business virus, and that promptly and vigorously. Against this I beg comprehensively and emphatically to protest.

"As we have developed railroad administration, and factory practice, and department-store methods, and banking principles, so we must evolve college administration and the college administrative department," which last closely approximates to "good factory practice." Said department will have the brains to make an inventory of its plant, animate and inanimate, so that full value and results shall emerge therefrom; will determine (details not given) "which department is doing the best work for citizenship, physics or chemistry, . . . literature or history." The men of the Academy are referred to the illuminating methods of the Standard Oil Company in order to reduce their student waste-heaps ("which now equal in size their so-called finished products; and fifty per cent of this latter would be scrapped in a well-run factory, not stamped with its trade name and sent out as a fair sample of its finished product"). More than that: the professors are recommended to give up their long-distance connection with Utopia, and spend their sabbatical years at the heart of a modern trust and in adoration of the balance-sheet. Should this kindly admonition pass unheeded, the professors must be prepared to be penalized for balking or sulking or otherwise getting in the way of the administrative machinery. Once commercially purified, the professor may strike for his dues and derive "important lessons from a labor union, like that which governs our locomotive engineers." Now I protest that this is amusing only so long as it is not sad or serious; and if an up-to-date Minerva must forsake alike classical drapery and the attitude of aspiration, and appear shirt-waisted, in a becoming businesslike pose, before a flat-opening ledger, the fountain pen in one hand pointing to the consoling totals of the balance-sheet, while the other fondly caresses a cash register, I confess that my amusement is short-lived.

There need be no hesitation in admitting that the modern college halls are not cloisters; and it is somewhat difficult to conceive the type of visitor to whom they might appear so. But what really needs emphasis

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is that they are not counting-rooms or "brain-works." The organization of college life is a fine art—an art like the rest, springing from an intelligent grasp of purposes and ideals, and finding expression in measures and management; neither of which—ideals nor management—may profitably ignore the other. Minerva and Mercury may keep house together, provided an agreement can be reached at the outset whose house it really is.

I am ready to confess, after twenty years of forbearance, that I am cumulatively weary of hearing my tribe spoken of as lacking in practical sense; and I am increasingly suspicious of the so-called practicality of the man of affairs. It depends so much on the kind of man and the kind of affairs. The practicality of the small man of small affairs has proved to be a simple and costly short-sightedness; and the practicality of the larger man of larger affairs a sacrifice of far-reaching ends for dubious and transitory advances. Let us not be deceived by this fallacy of practicality. If there has been waste in our college management, it is a tiny mote to the beam—visible to all but the practical vision—that obscured and defended the outrageous exploitation of our natural resources, the spirit of which is now resisting the learning that denounces it.

It is time to realize that for the affairs of Minerva and Mercury alike, there is but one practical attitude: to realize clearly the purposes to be advanced, then to suit the measures to the end—of necessity, counting the cost, and, in this vale of earthly compromise, holding the greater while relinquishing, if need be, the lesser principles. If we stand opposed in purpose, we can expect no concordance of measures; yet purposes as actually cherished and advocated are curiously elusive and curiously conflicting. Even the strenuous Mercurial reformer provides as the last of his official departments a "Mark Hopkins or personal equation bureau," and dwells rhetorically upon character-building and the supremacy of the intangible things of the spirit. Your "Mark Hopkins" in a counting-room atmosphere is unthinkable. To suppose that the higher ideals which we so loudly profess would endure the devitalizing tedium of cog and wheel is to give evidence of the supreme impracticality. If we sincerely and earnestly believe in ideals and purposes, academic or other, let us have the virtue and the wisdom to bend all measures to the directing goal. To insist that the measures that have brought business success must, if properly adapted to academic affairs, bring a parallel issue, is on a par with the pronouncement of the perturbed pedagogue who thundered at his frightened little flock that he wanted the children to love him, not to fear him. The fruits of learning that develop in sympathy and the interests that ripen under devotion, the flavor that comes only with the spontaneously personal service—these the misapplied practicality of the counting-room standards of success will have made wholly impracticable.

It is still pertinent to remind the practical man that business, if freed from the restraint of law, of public sentiment, from the disinterested outlook of learning and the formulation of duty, might well become a reproach and a bondage and a menace. Success in any cause may be too dearly bought. Prosperity is quite certain to present its bill; and it behooves us to inquire scrupulously who is likely to be called upon to pay it. The languishing career of the arts may be paying for it; the degeneration of human quality may be paying for it; the social and industrial unrest of the oppressed and the exploited may be paying for it; the unrewarded sacrifice of the contributors to knowledge may be paying for it; the unfair struggles of the servitors of education and of the higher interests of the community may be paying for it; and the lowered standards and distorted purposes of the college-trained youth are likely to pay for it, if the guardians of their interests yield to further importunity.

Within the intrinsically administrative field, the professor is only too ready to yield to the bookkeeper. He values administration appreciatively, though critically. He agrees likewise that the actual administrative provisions for the personal and social needs of undergraduates have not kept pace with the too rapid and too much stimulated growth in numbers. Yet the professor, with a welcome for sound administration and improved machinery, is wisely suspicious of the ambitions and the overweening traits that come quite too commonly with the administrative temper. And yet he does well to fear administration even as an appendix, knowing too well that this is just the kind of a tail that is likely to wag the dog, or wish to. He feels keenly that administrative positions within the college community are rated too highly and that academic talents are too slightly cherished. He is regretfully aware that his own preferment depends too dominantly upon qualities lying rather far away from his best service; and he has all too constant evidence that this over-emphasis is due to a pressure from without, to an artificial persistent barometric depression that devitalizes the college atmosphere, and makes working in it needlessly burdensome, spiritless, and joyless.

The professor of this most mature, self-conscious, and meddling age is by contagion, if not by temperament, practical; and he has an adequate, though not a fanatical, faith in the utilities of life. His midnight musings go on under an electric light; but he still prefers to spend his time in the pursuit of knowledge, not in the adoration of the incandescent convenience. He does not believe in the narrowly and short-sightedly practical; and he strenuously opposes the cult of the means to the distortion or disparagement of the value of the end. His faith and his responsibilities are with the larger practicalities, the truer and more far-seeing vision. His position as a trustee of the educational interests requires him to oppose the unreserved and inconsiderate encroachment of

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the business man and the administrative temper upon the field which is peculiarly his business, which requires insight, training, and the sensibilities that all right-minded men cherish. He welcomes nothing more heartily than the co-operation of practical men sympathetic with these common purposes. At one with the trustee, he realizes that while business is business, so also is a college a college—all of which is neither a truism nor a revelation, but just that form of sublimated common sense equally appreciated of Minerva and Mercury.

JOSEPH JASTROW.

Madison, Wisconsin.

"AN ARCHÆOLOGICAL FAIRYLAND"

In your editorial note in The Outlook for October 2, under the caption "An Archæological Fairyland," after giving a summary of certain newspaper reports, you say: "If the whole fascinating romance is the product of the vivid imagination of a reporter, we trust that Professor Hewett will make the fact known; if, on the other hand, the story is genuine, it promises a novel and absorbing romance."

Those who are devoting themselves to the task of removing the veil of mystery and false romance that has so long clouded the ancient history of America, and endeavoring by systematic research to lay a foundation for accurate knowledge of pre-Columbian conditions, find their work continually vitiated by the use made of their facts by the newspapers. The conditions disclosed by archæological research are of absorbing interest and great educational value, but unhappily the public derives its information, not from the official report of the investigator, but mainly from the "story" of the newspaper reporter or "special writer," which seems to reach the depths of stupidity when dealing with archæological themes. The present instance is a fair illustration of this condition, though scarcely a week passes without equally lurid announcements of buried cities and vanished races.

It may be of interest to know what facts furnished the foundation for the romance to which you refer, which goes rather beyond the customary limits of the modern sensation writer, even with the subject of archæology for his theme. The framework of facts was as follows:

1. During the early part of the present year I spent some time in Spain investigating the subject of the Spanish archives relating to the early history of America. It is true that these archives are rich in historic material, but no statement of this has ever been given out by me.

2. In June I conducted to the field, as usual, the expedition of the Utah Society of the Archæological Institute of America in co-operation with the University of Utah. The objective point of the expedition was the Navaho Mountain district lying just east of the Grand Cañon of the Colorado on the Utah-Arizona line. It was an extension of the explorations of two previous years in the San Juan drainage. In the course of the season we visited the great Cliff House of Kit Sil (pronounced Keet Seel), in northern Arizona, which lies in a rather remote region, and which, as reported to us, was comparable to the famous "Cliff Palace" of the Mesa Verde National Park. This report was confirmed in many respects by the facts. So far as I know, this was the first archæological expedition to visit this ruin, and accordingly it constitutes a scientific event of some importance.

3. The existence of a natural bridge between Navaho Mountain and the Grand Cañon of the Colorado had been reported to us, and it was said to be larger than the great natural bridges of White Cañon, Utah (surveyed by us in 1907 and since designated a National Monument), which up to this time had been ranked as the largest natural arches known in the world. To find this bridge, never yet seen by white men, so far as could be ascertained, was one purpose of the expedition. It was discovered by our party after my departure from the field, and the facts confirm the rumors concerning it.

These three incidents, distorted and exaggerated, furnished the material for the absurd story sent out by a Denver reporter. The article was such a palpable fraud that it would probably have attracted no attention had it not boldly announced that "it was authoritatively given out by Dr. Hewett." As a matter of fact, not a single statement in it was authorized and no word concerning either incident was given out by me, nor has been, nor, other than this, will be, prior to my annual report in December. The facts had been the subject of conversation between me and a few friends, and it had been expressly stated that nothing would be given out for publication until officially reported. The article was worked up by a reporter from material furnished him by another reporter, who based it on what he heard in a private conversation between two friends of mine, which took place when I was in another State. The vision of mammoth caves, magnificent chasms, vaulted chambers, modern sky-scrapers, wonderful natural bridges, with its accompanying nightmare of Aztec pottery, mysterious hieroglyphs, old Spanish manuscripts, fabled city, mammoth staircase, and the hollows of millions of footprints, was all his own.

It is true that the archæological field work in the United States has this year yielded results of unusual importance, and the details of those from the district in question will in due time be made known through the official reports of Professor Byron Cummings, of the State University of Utah, Field Officer in charge of this expedition, to whose indomitable work are due the valuable results that are being achieved in that section of the Southwest.

EDGAR L. HEWETT.

Archæological Institute of America,
School of American Archæology,
Santa Fé, New Mexico.

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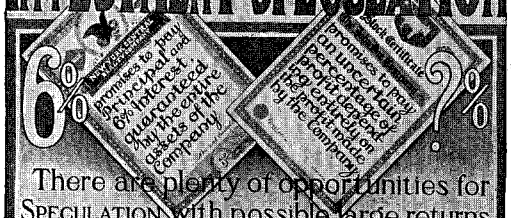
INVESTMENT vs SPECULATION



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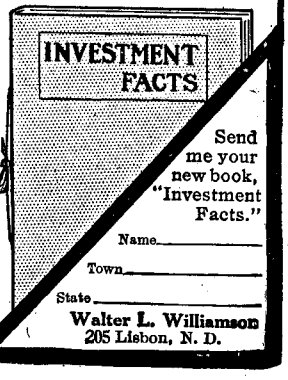

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We guarantee absolutely the title to every piece of real estate upon which we have a mortgage.
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We buy and sell *Entire Issues* of Reclamation bonds. Our own engineers and attorneys pass on every detail. An officer of our Company spends most of his time in the irrigated country, watching every project through to completion.

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Irrigation bonds are secured by first liens on the most fertile farm lands in America. The liens are given by individual land owners in payment for water rights. And the water immediately multiplies the land's value.

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